

**IN HIGH COURT OF SINDH, CIRCUIT COURT
HYDERABAD**

C.P. No.D-794 of 2026

[Noor Ahmed v. Province of Sindh & others]

Before:
Mr. Justice Adnan Iqbal Chaudhry
Mr. Justice Riazat Ali Sahar

1. For order on MA No.3235/2026.
2. For order on MA No.3236/2026.
3. For order on office objection.
4. For order on MA No.3237/2026.
5. For hearing of main case.

Petitioner : Noor Ahmed through Mr. Muneer Ahmed Turk, Advocate.

Respondents : Nil.

Date of Hearing : 28.04.2026

Date of Decision : 28.04.2026

ORDER

RIAZAT ALI SAHAR. J. - The petitioner through instant constitutional petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeks reinstatement in service as Police Constable along with consequential benefits, primarily on the basis of alleged discriminatory treatment and parity with similarly placed employees.

2. Background of the case is that the petitioner applied for the post of Police Constable pursuant to an advertisement dated 08.09.2011 and, after fulfilling all codal formalities, was appointed on 21.11.2014. He underwent requisite training and performed duties in Sindh Reserve Police (SRP), drawing salary up to March 2016. Subsequently, in light of proceedings initiated by the Honourable Supreme Court in H.R.C. No.16082-S of 2015 regarding illegal appointments, a show-cause notice dated 08.04.2016 was issued to him, followed by his removal from service on 06.05.2016 without a regular inquiry. A high-powered committee later re-examined the appointees and declared 518 constables, including the petitioner, as successful; however, despite such declaration, he was not reinstated, whereas a number of other constables were

reinstated. The petitioner made representations over the years and also relied upon certain proceedings before the Honourable Supreme Court and judgments of this Court, particularly the judgment dated 14.10.2025 in the case of Shayan Qureshi, which was upheld by the apex Court on 04.02.2026. Alleging discrimination and denial of equal treatment, the petitioner has approached this Court after considerable lapse of time seeking reinstatement and payment of salaries.

3. Learned counsel for the petitioner contends that the petitioner was lawfully appointed and had successfully passed the re-examination conducted pursuant to directions of the Honourable Supreme Court, yet he was unlawfully removed without due process and in violation of Article 10-A of the Constitution. He contends that other constables who were appointed along with the petitioner, including those reinstated later and beneficiaries of the judgment dated 14.10.2025, have been extended relief, but the petitioner has been singled out for discriminatory treatment in violation of Articles 4, 9 and 25 of the Constitution. Learned counsel relies upon the principle of equal treatment and judgments of the apex Court that benefits granted to those employees must be extended to the petitioner as well.

4. We have heard the learned counsel for the petitioner and perused the material available on record with his able assistance. The principal relief sought by the petitioner is reinstatement in service along with back benefits on the strength of alleged parity with other constables, including those who succeeded before this Court and whose case was upheld by the apex Court vide order dated 04.02.2026.

5. At the outset, it is to be observed that the petitioner's case is distinguishable on facts and law from those relied upon by him. The judgment dated 14.10.2025, passed in the case of Shayan Qureshi, which has been upheld by the apex Court, was rendered in peculiar facts where the concerned employee had diligently pursued his remedies before the competent forums, including the Sindh Service Tribunal and had secured a favourable order which attained finality. The denial of reinstatement in that case was found to be arbitrary and discriminatory in the backdrop of continuous

litigation and established entitlement. However, the present petitioner admittedly did not avail the statutory remedy available to him under the law, i.e., by approaching the Sindh Service Tribunal against his removal order dated 06.05.2016. This omission is not a mere procedural lapse but goes to the root of maintainability, as service matters squarely fall within the exclusive domain of the Service Tribunal under Article 212 of the Constitution, unless exceptional circumstances are demonstrated. No such exceptional ground has been substantiated in the present case.

6. Moreover, the record reflects that **the petitioner remained lethargic and failed to pursue his claim with due diligence.** After his removal in May 2016, he chose to approach the authorities through representations and subsequently invoked constitutional jurisdiction after an inordinate and unexplained delay. Such conduct attracts the well-settled doctrine of laches. The law is trite that constitutional jurisdiction is discretionary and equitable in nature and a litigant who sleeps over his rights cannot invoke such extraordinary jurisdiction as a matter of course. In this regard, reliance may be placed upon the dictum laid down by the Honourable Supreme Court in ***State Bank of Pakistan v. Imtiaz Ali Khan (PLJ 2012 SC 289)***, wherein it has been held that even where a right exists, the same becomes unenforceable if not asserted within a reasonable time. Similarly, this Court in ***Asghar Khan v. Province of Sindh (2014 PLC (C.S) 1292)*** has categorically held that delay defeats equity and a petition suffering from laches is liable to be dismissed on this ground alone.

7. It is also significant that the petitioner seeks to derive benefit from judgments rendered in favour of other employees; however, the principle of extension of benefit is not absolute and is subject to the condition that the claimant must be similarly situated not only on facts but also in terms of conduct and procedural compliance. **The petitioner, having failed to approach the competent forum within prescribed time and having remained inactive for years, cannot claim parity with those who vigilantly pursued their rights.** Furthermore, the plea of discrimination, though attractive at first glance, does not hold ground in absence of identical factual and legal footing. Equality under Article 25 of the Constitution does not envisage negative equality, nor does it permit

extension of benefit to a person who has not fulfilled the legal prerequisites or has failed to assert his rights in accordance with law.

8. Another important aspect is that the relief sought by the petitioner entails reopening of a matter which has attained finality long ago. Granting such relief would not only unsettle settled positions but would also prejudice administrative stability. The constitutional jurisdiction is not meant to revive stale and dormant claims, particularly where no satisfactory explanation for delay is forthcoming. Even otherwise, the petitioner's reliance on subsequent developments and judgments cannot cure the inherent defects in his case, failure to avail alternate remedy and delay. **It is a settled principle that a person cannot be permitted to bypass statutory forums and directly invoke constitutional jurisdiction after lapse of considerable time.**

9. For what has been discussed above, we are of the considered opinion that the petition is hopelessly barred by laches, suffers from non-availing of alternate statutory remedy and lacks parity with the cases relied upon by the petitioner. No case for interference in exercise of constitutional jurisdiction is made out. Consequently, the petition is **dismissed in limine**, being devoid of merit along with listed applications.

JUDGE

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