

THE HIGH COURT OF SINDH BENCH AT SUKKUR

Before:

Justice Arbab Ali Hakro
Justice Muhammad Osman Ali Hadi

C. P. No. D – 754 of 2024

[Shahruckh Dayo v. Province of Sindh and others]

For hearing of CMA No.6920/2025 (Contempt)

Petitioner by : Mr. Achar Khan Gabol, Advocate

Respondents by : Mr. Israr Ahmed Shah, Assistant Advocate
General Sindh

Date of Hearing : 25.08.2026

Date of Decision : 25.08.2026

ORDER

ARBAB ALI HAKRO, J. – The applicant through listed application seeks initiation of contempt proceedings on the allegation that the respondents have failed to comply with the order dated 31.07.2024 passed by this Court.

2. Learned counsel for the applicant submits that, despite the directions issued by this Court, the respondents have not issued an appointment order in favour of the applicant against the deceased quota.

3. Learned Assistant Advocate General has referred to the compliance report filed on behalf of the Inspector General of Police, Sindh. He submits that the applicant’s case was duly processed by the department pursuant to recruitment proceedings initiated under the Sindh Police (Shaheed, Deceased, Invalidated or Incapacitated Quota) Recruitment Rules, 2021. It is pointed out that the applicant applied for the post of Police Constable and his case was forwarded to the competent Scrutiny Committee; however, vide report dated 24.06.2022, he was not recommended on account of being overage. It has further been stated that a fresh recruitment process against the deceased quota was subsequently initiated and advertised on 28.04.2024 for different posts, but the applicant did not apply pursuant thereto.

4. We have heard learned counsel for the parties and examined the record.

5. The jurisdiction relating to contempt is extraordinary and penal in nature. Before a person can be proceeded against for contempt, the Court must be satisfied that there has been willful, deliberate and contumacious disobedience of its order. Mere dissatisfaction with the decision of an authority, or disagreement with its merits, does not, by itself, constitute contempt.

6. The material on record shows that the respondents did not ignore the applicant's case. Rather, the department processed the case in accordance with the recruitment exercise conducted under the relevant Rules. The scrutiny process culminated in a recommendation that the applicant was ineligible for appointment as Police Constable on account of being overage. The compliance report further reveals that when a fresh recruitment process was initiated in 2024, the applicant did not submit an application for any of the advertised posts.

7. In these circumstances, it cannot be held that the respondents sat on the matter or intentionally defeated the order of this Court. The substance of the matter shows that the applicant's claim was considered by the competent forum but was not accepted on the ground of eligibility. Whether the applicant was rightly or wrongly declared overage, whether he was entitled to an age relaxation, or whether any other benefit was available to him under the applicable rules and policy are questions relating to the merits of the administrative decision and cannot be adjudicated in contempt proceedings.

8. It is settled law that contempt jurisdiction cannot be invoked as a substitute for execution proceedings, nor can it be used to obtain substantive relief not expressly granted by the original order. A decision taken pursuant to the Court's direction, even if adverse to a party, ordinarily constitutes substantial compliance, and the remedy of the aggrieved party lies in challenging that decision before the appropriate forum in accordance with law.

9. We are therefore unable to conclude that the respondents have committed any willful or deliberate disobedience of the order dated 31.07.2024, so as to attract the penal consequences envisaged under Article 204 of the Constitution of the Islamic Republic of Pakistan, 1973.
10. Consequently, the listed contempt application is **dismissed**.

J U D G E

J U D G E

Abdul Basit