Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

CP No.D-7270 of 2017

(Disposed of vide order dated 18.10.2018)

Date	Order with signature of Judge

Before:

Mr. Justice Riazat Ali Sahar

Mr. Justice Ali Haider 'Ada'

Direction
For orders on MIT-II Report dated 30.05.2022

Date of hearing and Order: 05.11.2026

Syed Aijaz Hussain Shirazi, advocate for the petitioner
Mr. Abdul Jalil Zubedi, Additional Advocate General

O R D E R

RIAZAT ALI SAHAR, J.— The instant Constitutional Petition was **disposed of** by this Court **vide order dated 18.10.2018**, whereby the Inspector General of Police, Sindh, was directed to decide the matter relating to the deceased Deputy Superintendent of Police (DSP) strictly in accordance with the applicable Police Rules, regulations and the law governing compensation admissible to the legal heirs of a Shaheed, preferably within two (02) months from the date of receipt of the said order.

2. Subsequently, the petitioner filed Contempt Application bearing CMA No.10940 of 2019, alleging non-compliance with the aforesaid order. The said application has already been disposed of vide order dated 14.03.2022, whereby the matter was referred to the Chief Secretary, Government of Sindh, with a direction to constitute a committee under his chairmanship, associating the Secretary Finance, to examine whether the officials concerned had misused public funds by enhancing the amount of compensation in contravention of the Sindh Shaheed Recognition and Compensation Act and Rules, 2014. The committee was further directed to examine the matter and submit its compliance report through MIT-II of this Court within two (02) months.

3. We have carefully examined the **report of MIT-II dated 30.05.2022**, as well as the **statement dated 12.12.2024** submitted on behalf of the Chief Secretary, Government of Sindh, with the assistance of the learned Additional Advocate General, Sindh. The record reflects that, in compliance with the directions of this Court, the requisite committee was constituted and afforded an opportunity of hearing to the petitioner, who participated in the proceedings through video link from the United Kingdom.

4. During the proceedings before the committee, the petitioner raised the grievance that his father, Shaheed DSP Syed Abdul Majeed Abbas, and DSP Abdul Fateh Sangri had both embraced martyrdom during the year 2015; however, the family of Shaheed DSP Abdul Fateh Sangri was granted compensation amounting to Rs.20.000 million, whereas his family received only Rs.2.000 million. According to the petitioner, such differential treatment was discriminatory and contrary to the principles of fairness and equality. He further asserted that he had been assured of appointment to the post of DSP, but the said assurance had not materialized. He accordingly requested that his grievances be examined and redressed strictly on merit and without discrimination.

5. The statement dated 12.12.2024 further reveals that the petitioner had already been appointed as Assistant Sub-Inspector (ASI) on 22.04.2019 and was subsequently granted extraordinary leave for a period of 730 days, commencing from 01.05.2024 to 30.04.2026, for visiting the United Kingdom. Regarding the claim for enhanced compensation, it has been categorically stated that the family of the petitioner's deceased father was paid Rs.2.000 million in accordance with the policy prevailing at the relevant time. It has further been explained that, during the period from January 2015 to December 2015, as many as 110 police personnel embraced martyrdom, and the families of all such personnel were uniformly paid compensation at the rate of Rs.2.000 million each. As regards the compensation granted to the family of Shaheed DSP Abdul Fateh Sangri, it has been clarified that an additional amount of Rs.15.000 million was sanctioned by the then Chief Minister, Sindh, in exercise of his discretionary powers.

6. Having considered the material available on record, particularly the compliance report and the statement dated 12.12.2024, we are satisfied that the directions issued by this Court have been substantially complied with. The competent authority constituted the requisite committee, afforded an opportunity of hearing to the petitioner, examined his grievances and furnished its report in compliance with the earlier directions of this Court. The record further establishes that the petitioner's family was paid compensation in accordance with the policy uniformly applicable to the families of police personnel who embraced martyrdom during the year 2015. The additional financial assistance sanctioned in favour of the family of Shaheed DSP Abdul Fateh Sangri was stated to have been granted by the then Chief Minister, Sindh, in exercise of his discretionary powers. No material has been brought on record to establish that the officials concerned misused public funds or deliberately acted in defiance of the directions issued by this Court.

7. It is well settled that contempt jurisdiction is primarily intended to ensure compliance with the orders of the Court and cannot be invoked as a substitute for substantive proceedings for enforcement of a disputed legal right. In order to constitute civil contempt, willful and deliberate disobedience of a lawful order of the Court must be established. Mere dissatisfaction with the decision taken by the competent authority in purported compliance with a judicial direction does not, by itself, constitute contempt, particularly where the authority has examined the matter and rendered its decision in accordance with the applicable policy. In the present case, no element of willful or deliberate disobedience has been established.

8. As regards the petitioner's claim for appointment to the post of DSP, it is pertinent to observe that appointment to a particular post in the Police Department is governed by the relevant recruitment and service rules. No direction for appointment of the petitioner as DSP was issued by this Court in its earlier order. Therefore, such a claim cannot be examined or enforced in contempt proceedings. If the petitioner considers himself otherwise entitled to any relief under the applicable law, he may seek recourse to the appropriate remedy before the competent forum, in accordance with law.

9. In view of the foregoing facts and circumstances, we find that the orders passed by this Court have been complied with in substance and that no case of willful or deliberate disobedience has been made out against the alleged contemnors. The continuation of the instant contempt proceedings would, therefore, serve no useful purpose. Consequently, Contempt Application bearing CMA No.10940 of 2019 is hereby dismissed, with costs quantified at Rs.20,000/- (Rupees Twenty Thousand only), to be deposited by the petitioner in the High Court Clinic Fund.

10. The contempt proceedings stand concluded accordingly, along with all pending applications, if any.

JUDGE

JUDGE

Nadir*