ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Const. Petition No. D-1835 of 2015

Date	Order with signature of Judge

Before:-
Mr. Justice Riazat Ali Sahar
Mr. Justice Ali Haider 'Ada'

For hearing of Main Case.

04.11.2026

None present for the Petitioner.
Mr. Abdul Jalil Zubedi, Addl. A.G., Sindh.

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O R D E R

RIAZAT ALI SAHAR, J.— The instant constitutional petition pertains to the year 2015 and has remained pending for more than eleven years. A perusal of the case diary reveals that the matter was last fixed before this Court on 09.05.2018, and since then, no effort appears to have been made by the petitioner to have the matter listed for hearing. Even today, neither the petitioner nor his counsel is present to pursue the matter. Nevertheless, considering the nature of the controversy involved, we deem it appropriate to examine the available record and decide the petition on its merits.

2. Briefly, the case of the petitioner is that he was initially appointed as Assistant Director (Computer) (BPS-17) in the Sindh Police on a regular basis through the Sindh Public Service Commission, vide notification dated 14.10.2002. Subsequently, following the reorganization of the Sindh Police, he was appointed as Deputy Superintendent of Police (DSP) (BPS-17). It is further claimed that, in recognition of his alleged acts of gallantry, bravery and exceptional performance in combating terrorism, he was recommended for out-of-turn promotion to the rank of Superintendent of Police (SP) (BPS-18), which was accordingly granted vide notification dated 13.11.2007. The petitioner further claims that his name was recommended by senior police officials for the award of the Pakistan Police Medal in recognition of his distinguished services.

3. The grievance of the petitioner is that, pursuant to the judgment dated 12.06.2013 rendered by the Honourable Supreme Court of Pakistan in Criminal Original Petition No.89 of 2011, his out-of-turn promotion, as

well as his appointment as DSP, was withdrawn ab initio vide notification dated 02.07.2013, resulting in his reversion to his substantive post of Assistant Director (Computer) (BPS-17). The petitioner, while relying upon the observations made by the Honourable Supreme Court regarding recognition of exceptional acts of gallantry through appropriate awards and rewards, seeks recognition of his alleged distinguished services.

4. We have heard the learned Additional Advocate General, Sindh, and carefully examined the material available on record. It is an admitted position that the petitioner's out-of-turn promotion and consequential appointment were withdrawn pursuant to the judgment rendered by the Honourable Supreme Court of Pakistan. The law declared by the Honourable Supreme Court is binding upon all other Courts in Pakistan in terms of Article 189 of the Constitution of the Islamic Republic of Pakistan, 1973. Consequently, neither the petitioner nor the departmental authorities can claim any right contrary to the law so declared. The withdrawal of the petitioner's out-of-turn promotion, being a consequence of the aforesaid judgment, cannot be termed unlawful merely on the ground that such promotion had earlier been granted in recognition of his alleged exceptional services.

5. It is pertinent to observe that the recognition of acts of gallantry or distinguished services through awards and rewards stands on a different footing from promotion to a higher rank. The observations made by the Honourable Supreme Court regarding appropriate recognition of exceptional services cannot be construed as conferring an automatic or vested right to out-of-turn promotion. Likewise, a mere departmental recommendation for the conferment of the Pakistan Police Medal does not, by itself, create any accrued or enforceable legal right in favour of the petitioner. The conferment of such an award remains subject to the prescribed procedure, applicable rules and final approval of the competent authority. In the absence of any material demonstrating that a lawful entitlement of the petitioner has been denied in violation of the applicable legal framework, no direction for conferment of such an award can be issued in constitutional jurisdiction.

6. It is also significant that the petitioner has not pursued the instant proceedings for a considerable period, as the matter remained unattended since its last fixation on 09.05.2018. Be that as it may, even upon examination of the available record on merits, we find no illegality, arbitrariness or violation of any vested or enforceable legal right warranting interference by this Court in exercise of its jurisdiction under Article 199 of the Constitution.

7. For the foregoing reasons, the instant constitutional petition, being devoid of merit, is **dismissed**, along with all pending application(s), if any. However, this order shall not preclude the competent authority from considering any pending recommendation concerning the petitioner's alleged acts of gallantry or distinguished services, strictly in accordance with law and the applicable rules, without treating such consideration as conferring any entitlement to out-of-turn promotion.

JUDGE

JUDGE

M. Khan