

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
C.P No.D-4329 of 2019

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Order with signature of Judge

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**Priority**

1. For orders on CMA No.26216/2019.
2. For orders on CMA No.26217/2019.
3. For orders on office objection.
4. For orders on CMA No.19070/2019.
5. For hearing of main case.

**18.09.2019**

Malik Naeem Iqbal, advocate for the petitioners.

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1. Urgency granted.

2to5. It is, *inter-alia*, contended by the learned Counsel appearing for the petitioners that petitioners were appointed as ASI/Computer Operator in the year 2004 through Sindh Public Service Commission. Per learned Counsel, there is no service structure of the Petitioners as such they are suffering on account of non-consideration of their cases for promotion in next rank. Learned Counsel emphasized that the Respondent-Police Department has created I.T Cadre in Police Department and there is grave apprehension that the service of the petitioners may be merged in such cadre as a Civilian. Per learned Counsel, the creation of new I.T Cadre is already subjudice before this Court in another matter but the respondents are reluctant to redress the grievances of the Petitioners. Learned Counsel invited our attention to the office order dated 13.9.2019, whereby the respondents in compliance of the judgment dated 22.5.2015 passed by the learned Sindh Service Tribunal (SST) in Service Appeal No.118/2015 have started shifting and designating their posts against the post of I.T Branch of Sindh Police as disclosed in the aforesaid office order.

We asked the learned Counsel as to how they are aggrieved by an Office Order dated 13.9.2019, when the Respondent-Police Department has just complied with the judgment dated 22.5.2015 passed by SST. He replied that there is no concept of cadre in Police Department and in support of his contention, he relied upon paragraph-67 of the Judgment passed by the Hon'ble Supreme Court in the case of Gul Hassan Jatoy and others vs. Faqir Muhammad Jatoy and others (2016 SCMR 1254), however, he conceded that the Petitioners may continue their service in the aforesaid I.T Branch however their uniform as a ASI shall not be purged. We confronted him with the judgment dated 22.5.2015 passed by SST at

Karachi whereby direction was issued to the Chief Secretary, Government of Sindh to constitute a Committee comprising Finance Secretary, Home Secretary and Inspector General of Police Sindh to submit progress report in the light of findings given in paragraphs-17 and 18 and the aforesaid judgment was assailed before the Hon'ble Supreme Court in CPLA No.493/2015, whereby their Contempt Application was dismissed vide order dated 14.12.2018. He replied that the compliance report is not in accordance with the judgment passed by the Hon'ble Supreme Court in case of Gul Hassan Jatoi supra. Be that as it may, we are only concerned whether direction of SST vide judgment dated 22.5.2015 has been fully complied with or otherwise by the Respondent-department. The issue as raised with regard to creation of new I.T Cadre comprising of non-uniform persons is yet to be adjudicated whether the prayer made herein above is in direct conflict with the judgment passed by SST merged into the order of Hon'ble Supreme Court in CPLA No.493/2015. At this stage, learned Counsel emphasized that the judgment dated 4.11.2015 passed in Civil Petition No.4973/2015 still holds the field and not yet reviewed, therefore, purging of the petitioners from the uniform for the post of ASI/Computer Operator is illegal and unlawful. Be that as it may, let notice be served upon the respondents through all modes except publication. Let compliance of the judgment dated 22.5.2015 passed by the Sindh Service Tribunal be made in its letter and spirit. In the meanwhile, if the petitioners are currently wearing uniform, they may continue with the same.

To come up after 02 weeks.

JUDGE

JUDGE