

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No. D-2511 of 2021

Order with signature of Judge

1. For order on Misc. No.10797/2021.
2. For order on office objection no.04,07 & 18.
3. For order on Misc. No.10798/2021.
4. For order on Misc. No.10799/2021.
5. For hearing of main case.

12.04.2021

Khawaja Shams-ul-Islam, advocate for the petitioners.

1. Urgency granted.
2. Deferred for the time being.
3. Exemption application is granted subject to all just exceptions.

4&5. In pith and substance, the petitioners have raised their voice of concern; and, claim their encadrement in Police Service of Pakistan in terms of the Police Service of Pakistan (Composition, Cadre, and Seniority) Rules, 1985; and, the seniority as per Rule-11(2)(c) of the Rules-1985. It is contended inter alia that after the lapse of many years, the respondent-Police Department is not considering their case for promotion to the next rank and playing with delaying tactics. Per learned counsel, their case for promotion in the next rank was deferred without any fault on the part of petitioners. It is further contended that due to the lethargic attitude of the respondent-department, by not considering their case for promotion, they have suffered a lot, which act negates the judgment rendered by the Hon'ble Supreme Court in the case of Gul Hassan Jatoi v. Faqeer Muhammad Jatoi (2016 SCMR 1254), which explicitly provides preparation of seniority list of Inspectors from the date of their admission in list-F. Per learned counsel, the act of respondents violates Police Rule 13.15(4) of Police Rules, 1934. Learned counsel emphasized that the petitioners are entitled to their promotion to the post of Superintendent of Police (BPS-18) with retrospective effect to make them entitled for encadrement in PSP Cadre. Learned counsel relied upon various documents attached with the memo of the petition as well as law laid down by the Hon'ble Supreme Court in the case of Ali Azhar Khan Baloch v. Province of Sindh and others (2015 SCMR 456). He asserts that the

respondent-Police Department is required to implement the ratio of the judgment of the Hon'ble Supreme Court in the case of Gul Hassan Jatoi supra in its letter and spirit. Per learned counsel, the respondents have created a new women cadre, in complete negation of the Civil Servants Act, 1973, and Police Rules 1934. He prays for notice to the respondents.

To appreciate as to whether petitioners are entitled to their promotion to the post of Superintendent of Police in terms of the decision of the Hon'ble Supreme Court rendered in the case of Gul Hassan Jatoi supra as well as in terms of Police Rule 13.15(4) and chapters XII, XIII, & XIV of the Police Rules, 1934, and other relief(s), let notice be issued to the respondents as well as to learned AAG for 20.04.2021 with direction to file comments on or before the next date of hearing.

JUDGE

JUDGE

Nadir*