

ORDER SHEET  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**CP. No. D- 5863 of 2021**

-----  
Date \_\_\_\_\_ Order with Signature(s) of Judge(s) \_\_\_\_\_  
-----

**Direction**

1. For orders on Misc. No.1519/2023 (For correction)
2. For orders on as to non-prosecution of Misc. No.30817/2022 (Contempt)

**03.02.2023**

Petitioners in person  
Mr. Abdul Jalil Zubedi, AAG  
-----

This Court vide order dated 16.09.2022 disposed of this petition in the following terms:

“It appears that after issuance of notice, comments have been filed by the respondents including respondent No.3 whereby it is stated that the petitioners have passed physical test, written test, interview and were also recommended for appointment, however, it had transpired that there were some FIRS lodged against the petitioners. Today, we have been informed that the petitioners have been acquitted in all those FIRS.

In view of such position, it appears that there is no impediment in so far as appointment of petitioners is concerned, accordingly, respondents are directed to act accordingly.

Petition stands disposed of in above terms.”

Petitioners have filed a contempt application under Article 204 of the Constitution of the Islamic Republic of Pakistan, 1973 (CMA No.30817/2022), prying therein to initiate contempt proceedings against the alleged contemnors, who willfully disobeyed the order dated 16.09.2022 passed by this Court and failed to issue appointment and medical letters to the petitioners on the premise that the passed physical test, written test, interview and were also recommended for appointment to the post of the police constable in Sindh Police.

Learned AAG was confronted with the aforesaid position and submitted that a Civil Petition for Leave to Appeal has been filed in the Honorable Supreme Court of Pakistan against the aforesaid decision, thus this court is required to wait for the final say of the Honorable Supreme Court on the subject issue. It appears from the record that no stay order has been obtained by and respondents, rather they have sought time to seek instructions either to appoint the petitioners as police constables or proceed with the matter on the listed application.

Petitioners who are present in court have submitted that alleged contemnors have violated the direction of this court thus Article 204 of the constitution is required to be invoked which elaborates that this court has the power to punish any person who abuses, interferes with, or obstructs the process of the Court in any way or disobeys any order of the Court.

However, at the same time, we are sanguine of the fact that in disciplinary force, it is expected that the persons having their character above board, free from any moral stigma, are to be inducted. Verification of character and antecedents is a condition precedent for appointment to the police force.

Our criminal justice is founded on the Code of Criminal Procedure, Pakistan Penal Code Qanoon-e Shahadat Order to lay norms for the admissibility of evidence. Registration of a criminal case against a person remains as an accusation of a crime or an offense till on conviction it culminates into a certainty to the guilt of a Government servant and on acquittal one is obliterated of all the allegations. The involvement of a person in a criminal case does not mean that he is 'guilty'. He is still to be tried in a Court of law and the truth has to be found out ultimately by the Court where the prosecution is ultimately conducted. In the present case, the petitioners have been acquitted of the alleged charges as portrayed by the respondents.

Normally a person convicted of an offense involving moral turpitude should be regarded as ineligible for Government Services. However, in cases where the Appointing Authority feels that there are redeeming features and reasons to believe that such a person has cured himself of the weakness, specific approval of the Government may be obtained for his employment.

In the instant case, the aforesaid guidelines would not apply, as the criminal Court has not convicted the petitioners, rather they have been acquitted from the criminal cases.

The question before us is whether the applicants could be deprived of a chance to serve the police department solely on the ground of past criminal records.

What is discernible from the above is that the only impediment to being appointed to a Government service is the conviction on an offense involving moral turpitude but involvement, which does not culminate into a proof by

conviction, cannot be a way out or guise to do away with the services of applicants as ordered by this court on 16.09.2022.

By employing the aforesaid principles, we are of the considered view that the contempt proceedings could be initiated by the Court against the alleged contemnors after satisfaction of this court to the effect that there was “willful disobedience” by the alleged contemnors.

As a result, for the foregoing reasons, the action of the alleged contemnors, not complying with the direction cannot be sustained in law. Let a chance be given to the alleged contemnors to comply with the order passed by this court.

Accordingly, the alleged contemnors are directed to allow applicants to perform their duties as police constables by issuing offer and or appointment orders within forthwith, however, the appointment orders shall be subject to the decision of the Honorable Supreme Court in the pending case. In case of failure, IGP Sindh shall be in attendance on the next date of the hearing.

To come up after one week.

**JUDGE**

**JUDGE**

Nadir\*