

**IN THE HIGH COURT OF SINDH, KARACHI**  
**Constitution Petition No. D- 4338 of 2020**

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Date Order with signature of Judge

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**Present: *Mr. Justice Muhammad Junaid Ghaffar***  
***Justice Ms. Sana Akram Minhas.***

**Petitioner:** Nizamuddin Kolachi (in person)

**Respondent Nos. 1,2 & 3:** The Province of Sindh & others  
Through Mr. Safdar Debar, Assistant  
Advocate General along with  
DSP Raza Mian from I.G. Office.

**Respondent No.4:** Muhammad Irfan Zaman,  
Through Mr. Bhajandas Tejwani,  
Advocate.

**Date of hearing:** 30.08.2023  
**Date of Order:** 30.08.2023

**ORDER**

**Muhammad Junaid Ghaffar, J:** Through this petition, the Petitioner has essentially made a prayer that posting of Respondent No.4 as Superintendent of Police (SSP) is in violation of the orders passed by the Honourable Supreme Court from time to time and as a consequence thereof, all such orders for posting of Respondent No.4 as SSP be withdrawn.

2. Petitioner, who appears in person, has argued that Respondent No.4 being Deputy Superintendent of Police (DSP) could not have been appointed as SSP and in support thereof he has referred to Annexures "A" & "C", which are some letters and correspondence purportedly signed by Respondent No.4 as SSP. According to him, he himself is working in the police department as Sub Inspector; whereas, Respondent No.4 had managed registration of some false FIRs and cases against him by usurping his powers as SSP and being in collusion with his high-ups has time and again deprived the Petitioner from his promotion and smooth conduct of his job assignments.

3. On the other hand, learned Counsel appearing for Respondent No.4 has, at the very outset, argued that this petition is badly hit by laches and is without any cause of action inasmuch as Respondent No.4 had retired in 2019; whereas, this petition has been filed in 2020 challenging some temporary assignment of 37 days given to Respondent No.4 in 2016. He has further contended that the assignment, if any, given to Respondent No.4 was purely temporary as the concerned official proceeded abroad on leave; hence no case is made out. He lastly submits that the Petitioner is a habitual litigant and time and again has filed frivolous complaints against his high-ups; and therefore, the Petition is liable to be dismissed. In support has relied upon the case reported as ***State Bank of Pakistan through Governor and another Vs. Imtiaz Ali Khan and others (PLJ 2012 SC 289)***.

4. Learned AAG has supported the arguments of Respondent No.4 and has referred to some enquiry conducted on the complaint of the Petitioner by Additional Inspector General of Police (Establishment) and submits that such claim of the Petitioner has been found to be invalid except that the two documents relied upon by the Petitioner, which have been signed purportedly by Respondent No.4 was a mere act of negligence and such signatures ought to have been as “for SSP” and not as “SSP”.

5. Heard Petitioner in person as well as learned Counsel for Respondent No.4 and learned AAG and perused the record as well. It is not in dispute that when this petition was filed, Respondent No.4 stood retired in 2019; therefore, the prayer sought in this petition, even if granted, would have been an academic exercise. However, when the correspondence / letters of 2016 as referred to by the Petitioner are

looked into, it appears that though they have been signed by Respondent No.4; but mistakenly he has not signed it as “for SSP”, which was the proper course and ought to have been adopted. Having said so, it is not that these reports or recommendation would be invalidated for this reason alone. The Petitioners grievance appears to be that with these letters or recommendation, some proceedings were initiated against him and maybe his case is that such negligence, if at all, would help him in getting those actions set-aside. In our view this is an incorrect approach. Moreover, this is not a case of any out of turn promotion; hence, reliance on the law settled by the Supreme Court is also of no help. It may also be of relevance to observe that the petition is hit by laches as well inasmuch the cause of action, if any, accrued to the Petitioner in 2016; whereas, instant petition has been filed belatedly in 2020, and there is no explanation as to why the Petitioner has approached this Court after lapse of almost four years. Lastly, Respondent No.4 stood retired in 2019, consequently, when this petition was filed, no cause of action was alive to invoke our Constitutional jurisdiction.

6. In view of hereinabove facts and circumstances of this case, we do not see any reason to exercise our discretion in the matter; hence, the petition being misconceived and without substance is hereby dismissed with pending applications.

**J U D G E**

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