

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

CP No. D- 1319 of 2023

[Maqsood Ahmed & Others vs. Province of Sindh & Ors.]

Before:

Justice Mrs. Kausar Sultana Hussain
Mr. Justice Khadim Hussain Soomro

Petitioners : Through Mr. Muhammad Arshad Pathan advocate
a/w Mr. Safder Hussain advocate

Respondents : Through Mr. Allah Bachayo Soomro, Additional A.G

Dates of hearing: 29.2.2024

Date of decision: 13.03.2024.

J U D G M E N T

KAUSAR SULTANA HUSSAIN J. Petitioners, who were appointed as Probationer ASIs in CTD Sindh, have impugned the letters dated 10.08.2023 and 11.08.2023 whereby permission has been granted by the Inspector General of Police Sindh to conduct A,B, C and D Courses of petitioners at relevant offices of C.T.D Sindh.

2. Learned counsel for the petitioners submits that after appointment against the post of Prob. ASIs in CTD the petitioners were deputed at various Police Training Centres to undergo mandatory training as provided under Rule 19.25(1) of the Police Rules 1934 (**Rules 1934**), which petitioners completed successfully and thereafter they were required to undergo A, B, C and D Courses as provided under Rule 19.25(2) of Rules 1934 and such letter dated 20.06.2023 was also issued by the respondent No.3, requesting the Incharg(s) of respective Ranges for announcing schedule of above Courses; that then petitioners were doing the Courses as required under Rule 19.25(2) ibid and completed A & B course, however, all of sudden vide impugned letter dated 10.08.2023, directions were issued by respondent No.2/I.G Sindh for conducting the said courses at relevant offices of CTD Sindh, which is in clear violation of Rule 19.25(2) ibid; that vide letter dated 20.07.2023 the Legal Branch of the respondents had also advised for conducting A,B,C and D courses of petitioners strictly in accordance with Rule 19.25(2) of the Rules 1934 but no heed was paid to said advise. Learned counsel submits that if the

petitioners are not allowed to complete mandatory courses, as required under Rule 19.25(2) then their services will not be confirmed and they will always remain as probationary ASIs and their seniority will also be affected.

3. Learned Additional A.G Sindh, while referring to the comments filed by respondents, submits that after completion of basic probationary training petitioners were allowed to undergo A,B,C and D Courses at various offices of CTD Sindh Karachi through impugned letters, keeping in view modern policing, updating various units and to cope up the needs of CTD. Learned AAG further submits that undergoing remaining courses at CTD Offices will cause no harm to petitioners, as there is no difference between practical training and courses. Learned AAG prayed for dismissal of this petition.

4. We have heard the learned counsel for the petitioners as well as learned Additional A.G Sindh and have also perused the material available on record.

5. Since the entire controversy hinges around Rule 19.25 of Rule 1934, therefore, it will be appropriate to reproduce the said Rule below as the same will help in better understanding of the things:

19.25. Training of upper subordinates: - (1) *Inspectors, sub-inspectors and assistant sub-inspectors, who are directly appointed, shall be deputed to the Police Training School to undergo the course of training laid down for such officers in the Police Training School Manual and are liable to discharge if they fail to pass the prescribed examinations or are badly reported on.*

(2) *On successfully completing the course at the School, upper subordinates will be posted to districts for practical training. The following programme of instructions shall be followed:-*

Course A.- Prosecuting Inspector's work-

- (a) *Maintaining registers.*
- (b) *Checking chalans.*
- (c) *Making a police brief.*
- (d) *Working as assistant prosecuting inspector.*
- (e) *Working as assistant prosecuting inspector in the Sessions Court.*
- (f) *Personally prosecuting cases.*

Course B. – Police Lines -

- (a) *Working as orderly head constable, keeping up files and registers and doing the actual work of the orderly head constables.*
- (b) *Reserve inspector's and Lines officer's duties, doing the actual work.*

Course C. – Office of Superintendent –

- (a) *Working as assistant clerk in English office.*

- (b) Working as record-keeper.
- (c) Working as return-writer.
- (d) Working as assistant reader to Superintendent.
- (e) Working as assistant accountant.

Course D.- Training at a Police Station –

- (a) Working as station clerk for two months.
- (b) Assistant in the investigation of cases and learning the duties of officer in charge of a police station under the immediate supervision of the officer incharge of such a station for a period of six months.
- (c) Working as additional investigating officer in a police station for one year, or in the case of an inspector, as additional district, city or reserve inspector.

Officers undergoing course A, B and C shall attend all parades in lines.

(3) *Ordinarily course A shall last for 3 months, course B and C for 6 weeks each and course D for the remaining probationary period. Directly appointed upper subordinates will thus be under training for 3 years before they are confirmed.*

(4) *On the completion of each course the probationer shall be examined by the Superintendent, who shall satisfy himself that the officer has obtained efficiency before allowing him to commence another course, and a concise report regarding the progress made shall be submitted to the Deputy Inspector-General in Part IV of form 19.25(5).*

(5) *On the termination of the prescribed period of probation the Superintendent shall submit, to the Deputy Inspector-General for final orders the full report required by Form 19.25(5) on the probationer's working and general conduct, with a recommendation as to whether he should or should not be confirmed in his appointment. In the case of inspectors such reports shall be forwarded to the Inspector-General.*

The progress and final reports shall be filed with the character rolls of the offices concerned.

6. Sub-rule (1) of Rule 19.25 provides that police officers/officials, directly appointed, shall have to undergo the course of training laid down for such officers/officials in the Police Training School Manual, whereas the second link of Rule *ibid* provides that on successfully completion of basic training, as required under sub-rule(1) *ibid*, the said police officers/officials also have to do A,B,C and D courses at their respective Districts as provided under sub-rule(2) of Rule *ibid*.

7. The purpose of above training is to develop the necessary attitudes, skills and knowledge, as the same will enable the police officers/officials of all ranks to undertake their roles and responsibilities as expected under the Police Rules and international standards of law enforcement. Besides the training, as provided under the Police Rules, is meant to increase the awareness of police officers/officials on the fundamental criminal-intelligence principles, concepts, information gathering techniques and sharing of actionable criminal-intelligence.

8. Coming to the point involved in case in hand, a plain reading of above Rule makes it clear that training provided under said Rule is mandatory for the police officers /officials, who are directly inducted. Admittedly petitioners have been directly inducted as probationary ASIs and besides aforesaid mandatory provision of law it is specifically mentioned in the '*terms and conditions*' of offer letters/appointment orders of petitioners that they will have to undergo training course as provided under Rule 19.25 of Police Rules 1934.

9. In addition to above the Legal Branch of Police Department vide letter dated 20.07.2023 [*available at page-109*] also advised the respondents for deputing the directly recruited probationer ASIs to their respective District for undergoing courses as provided under sub-rule(2) *ibid* by further interpreting that deputation of upper sub-ordinates/newly recruited probationary ASIs at their respective District for A,B,C and D courses is not a permanent posting having some kind of authority but same is only for a learning process.

10. Perusal of record shows that the petitioners were deputed for their basic training at CTD, as required under sub-rule(1) of Rule 19.25 *ibid* which they have successfully completed vide letter dated 20.06.2023 issued by DIG CTD Sindh [*available at page-107*], however, despite above mandatory provision of law accompanied by the advice from Legal Branch, vide impugned letter dated 10.08.2023 permission was accorded by the respondent No.2/I.G Sindh for conducting A,B,C and D courses of probationary ASIs of CTD at their relevant offices of CTD Sindh instead at their respective District as required under sub-rule(2) *ibid*, which is nothing but taking sideways from the mandatory provisions of law.

11. In view of the above discussion instant petition is allowed. Consequently impugned letter(s) are set aside with directions to respondents allow the petitioners to complete their mandatory training/courses strictly in accordance

with Rule 19.25 of Police Rules, 1934. However, it is clarified that since the petitioners are employees of Counter Terrorism Department (CTD), therefore, their deputation at their respective District shall not be deemed as permanent posting as it is only meant for completion of training/courses as required under the Rule ibid and on completion of said mandatory training /courses they are required to be relieved to join their respective office at CTD Sindh.

12. Petition stands disposed of in the above terms alongwith pending application(s).

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Sajjad Ali Jessar