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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
C.P.No.D-1116 of 2013.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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For Katcha Peshi.

16.08.2016.

Mr. Riaz Hussain Khoso, advocate for the petitioner along with petitioner.

Mr. Ali Raza Pathan, State Counsel.

Through instant petition, the petitioner seeks following relief :

- (a) That this Hon'ble Court may be pleased to declare that the impugned order No. OB/204/2013, dated 28.01.2013, issued by the respondent No.1, ordering cancellation of appointment of the petitioner, is illegal, null and void contrary to the relevant rules and law of natural justice and without any justification.
- (b) To direct the respondent No.1 to take-back/reinstate the petitioner in service as Constable.

Learned counsel for the petitioner submits that the petitioner was appointed as Police Constable in Sindh Police by the respondent No.1, and after observing all the codal formalities, the appointment order bearing No.OB/- 115/2013, dated 16.01.2013 was issued to him. Thereafter on 28.01.2013, respondent No.1, vide order No.OB/204/2013, cancelled the appointment of the petitioner under Police Rule 12.18 on the ground of his implication in the following criminal cases :

- 1) F.I.R No.97/2009 of Police Station Nasirabad.
- 2) F.I.R No.62/2009 of Police Station Sijawal.
- 3) F.I.R No.372/2009 of Police Station Kamber.
- 4) F.I.R No.374/2009 of Police Station Kamber.

Learned counsel for the petitioner submits that the petitioner was acquitted in Crime No.97/2009 of Police Station Nasirabad by the learned Assistant Sessions Judge, Kamber vide order dated 20.7.2011 passed in Sessions Case No.376/2009. The petitioner was also acquitted in Crime No.374/2009 of Police Station Kamber vide judgment dated 23.12.2011, passed by the Civil Judge & JM-II, Kamber



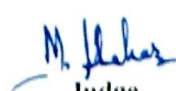
in Case No.84/2010 and so also the petitioner was acquitted in Crime No.62/2009 by the learned Additional Sessions Judge, Shahdadtown vide judgment dated 03.10.2011 passed in Sessions Case No.255 of 2011 and so far offence under Crime No.372/2009 is concerned, the petitioner was not nominated in the said crime as per letter of SSP Kamber Shahdadtown bearing letter No.SSC/5609 of 2013 dated 30.10.2013. Learned counsel for the petitioner also submits that when the petitioner was appointed as Police Constable in Sindh Police no criminal case was pending against him and he was acquitted in all the aforementioned three cases, therefore, cancellation of his appointment to the post of Police Constable in Sindh Police is illegal and in violation of Police Rule 12.18.


Respondent No.1 has filed his comments wherein he has endorsed the contention of learned counsel for the petitioner with regard to the acquittal of the petitioner in the criminal cases before his appointment as Police Constable in Sindh Police.

When the learned State Counsel was confronted with aforementioned facts of the case, he very frankly requested the Court to refer the matter of the petitioner for appointment to respondent No.1, for reconsideration of his cancellation order dated 28.01.2013..

Since after appointment of the petitioner as Police Constable, his appointment was cancelled on the ground that he was involved in criminal cases and respondent No.1 has admitted in his comments that the petitioner was already acquitted in all the aforementioned criminal cases, therefore by the consent of counsel for the petitioner as well as learned State Counsel, this petition is disposed of directing the respondent No.1 to consider the case of the petitioner for his appointment as Police Constable afresh. This process may be completed as early as possible preferably within two months and compliance report of this order may be communicated to this Court through Additional Registrar.

Petition stands disposed of.


Judge


Judge