

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
CP No.D-4027 of 2025
(Amir Suleman v Province of Sindh and others)

DATE	ORDER WITH SIGNATURE OF JUDGE
	<p>Before :- Mr. Justice Adnan-ul-Karim Memon Mr. Justice Zulfiqar Ali Sangi</p>

Date of hearing and order:- 11.02.2026

Mr. Asif Mubarak Ali Advocate for the Petitioner.
Mr. Abdul Jalil Zubedi, AAG a/w Mr. Raza Mian,
DSP Legal-II, CPO, Karachi

O R D E R

Adnan-ul-Karim Memon, J.- Petitioner Amir Suleman has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking the following reliefs:

- i) To set aside the impugned order dated 11.03.2024 passed by the respondent No.2, which has already been set-aside by this Court in C.P. No. D-1480/2024 and C.P. No. D-1856/2024 vide order dated 19.03.2025;
- ii) To direct the respondent No.2 to reinstate the service of the petitioner, as, after setting aside the order dated 11.03.2024 by this Court, the other aggrieved persons have already been reinstated on their respective services, hence the petitioner is also entitled to be reinstated on service.
- iii) Grant such further, additional, or alternative relief, as this Hon'ble Court may deem fit and proper.

2. The case of the petitioner is that he was appointed in the Police Department and performed his duties diligently and punctually throughout his career, which remained unblemished. He was lastly posted as a Police Constable at Madadgar-15. Due to unavoidable circumstances, he remained absent for 48 days, after which he was awarded major punishment and dismissed from service. His departmental appeal was rejected by the DIGP Karachi; however, upon review, the Additional Inspector General of Police, Karachi Range, converted the major punishment into forfeiture of one year's approved service and reinstated him vide order dated 16.08.2023. Thereafter, he was posted at different places in Karachi Range and continued to perform his duties satisfactorily. Subsequently, respondent No.2 issued General Order dated 11.03.2024, whereby 144 police officials, including the petitioner at Serial No. 94, were again dismissed from service.

3. Learned counsel for the petitioner submitted that the said order was challenged before this Court in Constitution Petitions No. D-1480/2024 and D-1846/2024, which were allowed vide order dated 19.03.2025, and the impugned order dated 11.03.2024 was set aside. The petitioner contends that although other similarly placed officials were reinstated pursuant to the said judgment, he has not been reinstated despite approaching the respondents. He, therefore, seeks implementation of the order dated 19.03.2025 and his reinstatement, asserting that the impugned action is arbitrary,

discriminatory, and violative of the principles of equality and lawful exercise of discretion. He prayed to allow this petition.

4. On the other hand, learned AAG, submits that the petitioner is no longer a member of the Police Force due to dismissal from service, he is not entitled to relief from this Court. The learned AAG prayed for dismissal of the petition.

5. We have heard learned counsel for the parties and perused the record.

6. It is an admitted position that the petitioner was reinstated in service vide order dated 16.08.2023 after the earlier punishment of dismissal was converted into forfeiture of one year's approved service. Thereafter, his name appeared at Serial No. 94 in General Order dated 11.03.2024 whereby 144 police officials were dismissed from service. It is also undisputed that the said General Order dated 11.03.2024 was set aside by this Court vide judgment dated 19.03.2025 passed in Constitution Petitions No. D-1480/2024 and D-1846/2024. Once the impugned order dated 11.03.2024 has been declared void and set aside by a competent Court of law, it ceased to have any legal effect and cannot be selectively enforced against the petitioner.

7. The contention of the learned AAG that the petitioner is no longer a member of the Police Force is misconceived, as his dismissal was based solely upon the General Order dated 11.03.2024, which already stands annulled by this Court. It is settled law that when an order is set aside, the parties are to be restored to the position which existed prior to the issuance of such order. It is well settled now that once an order is declared void, it is deemed never to have existed in the eyes of law. The void order confers no rights and creates no obligations, and its consequences cannot be sustained.

8. Furthermore, Article 25 of the Constitution guarantees equality before law and equal protection of law. If other similarly placed officials, whose names were also included in the same General Order, have been reinstated pursuant to the judgment dated 19.03.2025, denial of the same relief to the petitioner amounts to discriminatory treatment, which is impermissible in law. The principle that similarly situated persons must be treated alike.

9. In view of the above, the continued non-reinstatement of the petitioner, despite setting aside of the General Order dated 11.03.2024, is without lawful authority and of no legal effect. Consequently, the petition is allowed. The respondents are directed to reinstate the petitioner in service with all consequential benefits strictly in accordance with law within a period of one week from the date of receipt of this order. However with no order as to costs. All pending application(s) are disposed of.

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