

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Constitutional Petition No. D-5398 of 2025
(Rafiullah versus Province of Sindh & others)

Date	Order with signature of Judge(s)
------	----------------------------------

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Zulfiqar Ali Sangi

Date of hearing and order: 17.3.2026

Ms. Nousheen Khan Tajjammul advocate for the petitioner
Mr. Abdul Jalil Zubedi, Assistant AG
Mr. Raza Mian, DSP (Legal-II) CPO
Mr. Muhammad Tufail, DSP (Legal) TRO Karachi
Mr. Muhammad Ali Panhwar, DSP Bahadurabad, Karachi East

ORDER

Adnan-ul-Karim Memon, J. Petitioner Rafiullah has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 with the following prayer:-

- a) *Declared that that the act of the Respondents in reinstating other ex-officials (Annexures P/2 to P/5) while denying the same relief to the Petitioner is ultra vires, discriminatory, and in violation of Articles 25 and 27 of the Constitution of the Islamic Republic of Pakistan.*
- b) *Direct the Respondent quash the impugned order of discharge dated 01.01.2021 (Annexure P/10) and consider the Review application of the Petitioner as they have done with other Officials and reinstated the Petitioner to his former position as Police Constable (Driver) in the Traffic Police, Karachi, with all consequential benefits, including continuity of service and back wages.*
- c) *Prohibition: That this Court may graciously be pleased to prohibit the Respondents from taking any adverse action against the Petitioner in the future on the grounds of his previously sanctioned absence, which has already been regularized as "leave.*

2. Learned counsel for the Petitioner contended that the impugned actions of the Respondents are patently illegal, discriminatory, and violative of Articles 25 and 27 of the Constitution. She submitted that the Petitioner, after being initially discharged from service on account of absence during training, was duly reinstated in 2018, with his absence period regularized as leave without pay. Despite such reinstatement, the Respondents again inflicted the same penalty of discharge through the impugned order dated 01.01.2021, without issuing any show cause notice, which amounts to double jeopardy and is not sustainable in law. It was further argued that similarly placed police officials, whose appeals had been dismissed up to the level of the Supreme Court, were nevertheless reinstated by the competent authority on review, whereas the Petitioner has been denied similar treatment, thereby causing gross discrimination. Learned counsel emphasized that the Petitioner has been continuously pursuing his remedies, including departmental appeals and review application, but the same have not

been decided, reflecting mala fide and arbitrary conduct on the part of the Respondents. He prayed to allow the petition in line with his colleagues.

3. Conversely, learned Assistant Advocate General, appearing on behalf of the Respondents, submitted that in compliance with the directions of this Court, a detailed report was called from all relevant offices. He stated that certain police officials were indeed reinstated by the then Inspector General of Police, Sindh, on the basis of review applications, despite dismissal of their service appeals by the Sindh Service Tribunal and civil petitions by the Supreme Court. He, however, maintained that each case is to be considered on its own merits in accordance with law and applicable rules.

4. In view of the foregoing submissions and the material available on record, this Court is of the considered opinion that the grievance of the Petitioner primarily relates to non-consideration of his review application and alleged discriminatory treatment vis-à-vis similarly placed officials.

5. Without delving into the merits of the case, it would be appropriate that the matter is first examined by the competent authority in accordance with law.

6. Accordingly, the competent authority of the Respondents is directed to consider and decide the Petitioner's pending review application strictly in accordance with law, after affording an opportunity of hearing to the Petitioner, and ensuring that no discrimination is made in comparison to other similarly placed officials. The aforesaid exercise shall be undertaken and concluded expeditiously, preferably within a period of one month from the date of receipt of this order.

7. With these observations and directions, this petition stands disposed of, however, without touching upon the merits of the case.

JUDGE

JUDGE