

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI
C. P. No. D – 4393 of 2025

Date	Order with Signature of Judge
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Before:
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Hasan (Akber)

Date Of Hearing 21.05.2026

Mr. Muhammad Akbar, Advocate for Petitioner
Mr. Abdul Jaleel Zubedi, Additional Advocate General
DSP Ayaz Rajpar AIGP (Legal) & DSP Sajid Gujjar AIGP (Legal)

ORDER

Adnan-ul-Karim Memon, J. – The Petitioner has invoked the jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking a declaration that the order dated 21.03.2023 passed by Respondent No.2 is illegal, without lawful authority, mala fide, and violative of principles of natural justice, equity, and fair play, and therefore liable to be set aside. He has further sought a declaration that his reinstatement under Rule 12 of the Sindh Police (E&D) Rules, 1988 was lawful, along with interim protection against the operation of the impugned order and directions for the Respondents to decide his case in line with the judgment passed in Constitution Petition No.D-1480/2024 dated 19.03.2025.

2. The learned counsel for the Petitioner contends that the Petitioner was dismissed from service on 26.07.2013, and though his departmental appeal was rejected, he was subsequently reinstated on 03.06.2022 by the AIGP Sindh under Rule 12(1) of the Sindh Police (E&D) Rules, 1988. It is argued that the said reinstatement was later annulled through the impugned order on the ground of alleged violation of Rule 13(b) of the Rules. Learned counsel submits that Rule 13(b) provides a hierarchical appellate mechanism and that the IG Police is not competent to act as an appellate authority in the present circumstances, whereas the Home Secretary is the proper forum for such review. Reliance is also placed on earlier judgments of this Court where similar relief was granted in analogous circumstances.

3. On the other hand, learned AAG, in compliance with the Court's order dated 11.05.2026, submitted a compliance report and supported the impugned order, praying for dismissal of the petition.

4. We have heard the learned counsel for the parties and perused the record with their able assistance.

5. The Petitioner has assailed the order dated 21.03.2023 passed by Respondent No.2 because the same is without lawful authority, suffers from mala fide, and is in violation of the principles of natural justice, equity, and fair play.

6. The primary grievance is that the Petitioner, having been dismissed from service on 26.07.2013 and having failed in departmental appeal, was nevertheless reinstated on 03.06.2022 by the AIGP Sindh in exercise of powers under Rule 12(1) of the Sindh Police (E&D) Rules, 1988. It is his case that the said reinstatement order could not have been interfered with in the manner done through the impugned order.

7. Per learned counsel, Rule 13(b) of the Sindh Police (E&D) Rules, 1988 provides a structured appellate mechanism, and any challenge or review of such reinstatement could only be undertaken by the competent appellate authority in the prescribed hierarchy. It is contended that the IG Police lacked jurisdiction to annul the reinstatement, and that the proper forum, if any, was the authority next in the chain of command, namely the Home Department. Reliance has also been placed on earlier judgments of this Court wherein similarly placed employees were extended relief under analogous facts.

8. We have noticed that the controversy essentially revolves around the legality of the reinstatement granted under Rule 12(1) of the Sindh Police (E&D) Rules, 1988, and the subsequent interference therewith through the impugned order dated 21.03.2023.

9. The record reflects that the Petitioner's dismissal from service had attained finality at the departmental level, and the reinstatement was subsequently granted under Rule 12(1), which itself operates within the discretionary domain of the competent authority subject to conformity with the statutory framework governing disciplinary proceedings.

10. As regards the objection based on Rule 13(b), the same, on its plain reading, governs the appellate structure and scope of departmental appeals. However, the Petitioner's reinstatement was not a result of appellate adjudication but an administrative/departmental exercise of powers under Rule 12(1). Therefore, the argument that only an appellate authority could interfere does not, in the present facts, advance the Petitioner's case in absolute terms. At the same time, any administrative withdrawal of such reinstatement must be tested on the touchstone of jurisdiction, legality, and conformity with due process.

11. Importantly, it is not disputed that in Constitution Petition No.D-1480/2024 decided on 19.03.2025, this Court has already dealt with an identical question arising out of the same service rules and has settled the legal position in respect of similarly

placed employees. The facts of the present case are neither distinguishable nor has any new legal ground, warranting departure from the said binding precedent. Judicial consistency and certainty in service jurisprudence demand that similarly situated persons be treated alike unless a clear distinction is demonstrated. For convenience sake, an excerpt of the order dated 19.03.2025 is reproduced as under:-

“ We refrain from going into the merits of the case, as it seems to us that the procedural error may have occurred in passing the impugned order namely that prior to passing he impugned order the petitioners should have been given notice that their order of reinstatement was about to be withdrawn and they should have been afforded an opportunity to respond as to why the order should not be withdrawn. However, this procedure was not adopted and impugned order was passed without hearing any of the petitioners.

Accordingly, we set aside the impugned order dated 11.03.2024 to the extent of the petitioners. The competent authority is directed, within 07 days of the date of receipt of this order, to issue notice to the petitioners regarding the proposed withdrawal of their reinstatement order and ask for any comments which they may have on the same.

Within 21 days of receipt of such notice, the petitioners shall make their replies (if any) and thereafter, the competent Authority shall consider their replies to notice after giving them an opportunity of personal hearing pass a fresh order strictly in accordance with law.

This whole process shall be completed within 03 general of Police Sindh Karachi for compliance.

Petitions stand disposed of in the above terms along with all pending application(s).”

12. In view of the foregoing, this Court finds that the impugned order dated 21.03.2023 cannot be sustained, being contrary to the settled position already declared by this Court in earlier judgments. Consequently, the same is set aside. The Petitioner is held entitled to reinstatement in service in accordance with law, along with all consequential benefits, if otherwise admissible.

13. The petition, along with pending application (s), is accordingly allowed in the above terms.

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