

**IN THE HIGH COURT OF SINDH AT KARACHI**  
**CP No.D-1076 of 2023**  
*(SIP Nisar Ahmed and 6 others v. Province of Sindh and 4 others)*

**CP No.D-1462 of 2023**  
*(SIP Rafiq Ahmed v. Province of Sindh and 3 others)*

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Date	Order with signature of Judge(s)
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Before:  
**Muhammad Karim Khan Agha, J.**  
**Adnan-ul-Karim Memon, J.**

**Date of hearing and order: 12.09.2025**

Mr. Ahmed Ali Ghumro, advocate for the petitioners in both petitions.  
Mr. Sandeep Malani, Assistant AG

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**ORDER**

**Muhammad Karim Khan Agha, J.** The petitioners are seeking the following relief:

1. *To declare the order dated February 8, 2023, issued by respondent No.3 as illegal and without legal effect. This order unlawfully withdrew the seniority benefits granted to the petitioners based on the Sindh Service Tribunal (SST) judgment of August 21, 2014.*
2. *To declare that the petitioners were legally entitled to the same seniority benefits as their 1995 batchmates, in line with the principle of equal treatment established by the Supreme Court in the Hameed Akhtar Niazi case (1996 SCMR 1185).*
3. *To declare that respondent No.3, as a public official, lacks the legal authority to overrule or nullify judgments from the High Court and the SST.*
4. *To declare that the petitioners' vested right to ante-dated seniority from 1995 cannot be arbitrarily revoked, as it violates the principles of natural justice.*
5. *To declare that the SST's 2014 judgment on the petitioners' seniority rights has become a final, "past and closed" transaction, making the subsequent order from respondent No.3 void.*
6. *To order respondent No.3 to promote the petitioners to the rank of Inspector from October 4, 2019, since they have the necessary seniority and promotional rights established by previous court judgments.*
7. *To suspend and set aside the impugned order dated February 8, 2023, because respondent No.3 unlawfully used executive power to reject judicial orders.*

2. The precise facts of the case are that in 1994, the petitioners applied for the position of Assistant Sub-Inspector (ASI) in Sindh Police but were not appointed, allegedly due to political influence. They pursued legal action, and this Court ordered their appointment if they met the qualifications. The appointment orders were challenged, but the Supreme Court directed a committee to be formed. This committee's report dated June 2, 2010, included a list of successful

candidates, resulting in the petitioners' eventual appointment as ASIs. Two of the petitioners' batchmates filed appeals with the Sindh Service Tribunal (SST) in 2014 for seniority and promotion from 1995. The SST granted these requests. However, the police department appealed the decision to the Supreme Court, but the appeal was later withdrawn by the Government of Sindh. Following the SST judgment, other petitioners sought and obtained the same seniority benefits. They were subsequently promoted to Sub-Inspectors. Yet, their promotion to Inspector was delayed because they were considered to have less than five years of physical service as Sub-Inspectors, despite being granted ante-dated seniority by the Courts. The police department's Inspector General issued a letter on April 12, 2019, stating that the seniority and promotion benefits granted by the Courts would stand. However, a later notification dated January 20, 2013, listed petitioners for promotion, but they were not recommended, again due to their ante-dated seniority. Recent appeals filed by other police officials regarding seniority were initially allowed by the SST but were then remanded by the Supreme Court to the SST, via an order dated 30.06.2022 in C.P. No.1307-K, 1308-K, 1318-K, 1319-K of 2020, with the observation that the tribunal failed to properly consider several key arguments raised by the Additional Advocate General. The main points to be re-examined by the tribunal are whether the appeals were filed too late, as the initial cause of action was in 1992, but the first challenge wasn't made until 2010. The tribunal was directed to consider whether the second departmental appeals were legally valid, especially since earlier appeals were reportedly rejected. The tribunal was directed to look into whether the officers were given seniority dates before their actual appointment, and if so, whether this violates Sections 10 and 11 of the relevant rules. The Sindh Service Tribunal was also directed to re-hear the case, considering all these points and relevant documents, and to make a decision within three months. The SST, after hearing the parties, dismissed these appeals for two main reasons. First, the appeals were time-barred. The officers were appointed in 1992 and 1996 but waited until 2015 and 2018 to file their appeals, far exceeding the 30-day limit set by the Sindh Service Tribunals Act. Waiting for the outcome of another case was not considered a valid excuse for the delay. Second, there was/is no legal provision to change an appointment date. The Tribunal found that there were no rules in the Police Rules of 1934 or the Sindh Civil Servants (Probation, Confirmation & Seniority) Rules of 1975 that would allow the officers to backdate their appointments to match other candidates. Seniority is based on the actual date of appointment. Based on this, the police department issued the impugned order on February 8, 2023, attempting to "remove the anomalies" in cases of ante-dated seniority, effectively nullifying the benefits previously granted to the petitioners by the Courts. The petitioners argued that this new order is unjustified, contemptuous of the Court, and violates the established legal principle

that civil servants are entitled to the same relief granted to their peers by the judiciary, even if they were not parties to the original case.

3. The learned counsel for the petitioners presents several arguments challenging the legality of the impugned order dated February 8, 2023, issued by respondent No.3 (the police department). The counsel argues that respondent No.3, as a public official, is legally bound to obey Court and tribunal orders. The impugned order, which seeks to nullify seniority and promotion benefits previously granted by the Sindh Service Tribunal (SST) and this Court, is therefore, illegal, unlawful, and based on malice. The counsel contends that the department has misinterpreted the SST's judgment of November 14, 2022. This judgment, which was based on a remanded case from the Supreme Court, is a judgment in personam (binding only on the parties involved), not a judgment in rem (binding on all). The counsel asserts that the judgment is irrelevant to the petitioners' case, which is governed by the SST judgment of August 21, 2014, in the cases of their 1994-95 batch mates. The petitioners have a vested right to their seniority and promotions, which have been confirmed by Court orders and acted upon for years. The counsel cites legal precedents to argue that the department cannot "recede" or withdraw these benefits, as the matter has become a "past and closed transaction." The counsel points out that the department did not issue a show-cause notice or seek an explanation from the petitioners before withdrawing their seniority, violating the principles of due process. The counsel references the Supreme Court case of Hameed Akhtar Niazi v. Secretary Establishment Division (1996 SCMR 1185) to support the principle that petitioners are entitled to the same relief granted to their batch mates, as confirmed by the SST judgment earlier passed. He emphasized that the petitioners' seniority benefits are legally supported by Rule 12.2(3) of the Police Rules 1934 and Rule 13 of the Sindh Civil Servants (Probation, Confirmation & Seniority) Rules 1975. The counsel argues that the department's action of revoking this seniority is a gross illegality. The counsel concludes by arguing that the impugned orders in both the petitions are illegal, unconstitutional and an unlawful attempt by the police department to override binding judicial decisions. The counsel requests that the captioned petitions be allowed and the impugned orders in both the petitions be set aside.

4. The Assistant Advocate General (AAG) representing the respondents argues for the dismissal of these petitions because the petitioners were appointed as Probationer ASIs between 2010 and 2013 with a clear condition in their appointment letters that they would not claim seniority based on the 1994-1995 recruitment process. He further submitted that while some officers, including Sain Bux Chandio and Manshad Ali Kalwar, were previously granted ante-dated seniority by the Sindh Service Tribunal (SST) in 2014, this is now deemed illegal. The AAG asserts that recent rulings by the Supreme Court (December 20, 2021,

and June 30, 2022) and the SST (November 14, 2022) have clarified that granting ante-dated appointments or seniority is not permissible. This is because it violates Sections 10 and 13 of the Sindh Civil Servants (Probation, Confirmation & Seniority) Rules, 1975, and Rule 12.2(3) of the Police Rules, 1934. He added that in compliance with these judicial interpretations, the police department issued a letter on February 8, 2023, withdrawing and canceling all ante-dated appointments and seniority benefits previously granted to police personnel, from constables to DSPs. The AAG emphasizes that there is no provision in the Police Rules for modifying an officer's date of appointment. Therefore, any claims for a modified appointment date based on the 1994-1995 process are invalid. In conclusion, the AAG contends that the department's actions are lawful and based on recent, binding judicial interpretations. He requests that this Court dismiss the petitioners' cases / petitions.

5. We have heard the learned counsel for the parties and perused the record with their assistance and case law cited at the bar.

6. The core conflict is whether the petitioners' "vested rights" to seniority, granted by the Sindh Service Tribunal (SST) in 2014, can be reversed by a subsequent SST judgment in 2022.

7. The AAG asserts that the petitioners' appointments as ASIs between 2010 and 2013 were explicitly conditional, barring them from claiming seniority based on the 1994-1995 recruitment process.

8. The petitioners submit that their service rights are final, while the AAG claims the later judgment provides a definitive interpretation that invalidates prior seniority grants. However, the petitioners are using the principles set forth by the Supreme Court in the case of *Hameed Akhtar Niazi (1996 SCMR 1185)* to support their claim for equal treatment. This principle states that if one civil servant receives a benefit via a Court order, others in a similar position are entitled to the same benefit. They also submit that because their batch mates were granted ante-dated seniority in 2014, they should also receive it.

9. We have been informed that the Supreme Court vide order dated 22.4.2025 in C.R.P.521 to 539, 541, 542, 764 to 782/2024 in C.P.L.As. No.128-K. 131-K. 133-, 134-K. 136-K to 139-K. 144-K to 146-K. 148-K to 153-K. 155-K. 158-K. 163-K. 176-K. 53-K to 61-K. 63-K to 69-K 71-K to 73-K/2024, has observed that the petitioners, appointed in 2010, were granted seniority from 1995 after a colleague's similar Court-upheld claim was applied to them. However, their seniority was revoked in 2020, citing the Noorullah Khoso case and this issue was not properly considered and issued notice to the parties. At this stage

we asked the counsel whether decision of the SST was assailed before the Supreme Court, he submitted that the subject review is pending in Supreme Court. In such circumstances Article 212(3) of the Constitution specifically provides the right to appeal an order of the Service Tribunal to the Supreme Court of Pakistan and the petitioners if aggrieved they may seek proper remedy under the law.

10. It is now settled by the aforesaid decisions that that ante-dated seniority is not permissible, as it violates the Sindh Civil Servants (Probation, Confirmation & Seniority) Rules, 1975, and Police Rules, 1934. Following a Supreme Court directive, the SST issued a fresh decision. In compliance, the police department withdrew the ante-dated seniority of all officers, including the petitioners, who were appointed in 2010-2013 but claimed a 1995 appointment date. The petitioners had voluntarily accepted their appointment terms, which precluded them from such a claim. Since the SST's decision can only be challenged in the Supreme Court under Article 212(3) of the Constitution, whereas the impugned decision has been made in compliance with the judgment of learned SST as such these current petitions are deemed misconceived and are dismissed.

**Head of Const. Benches**

**Judge**