

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
Constitutional Petition No. D-2727 of 2024  
(*Momin Khan versus The Inspector General of Police & others*)

Date	Order with signature of Judge(s)
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Before:

Mr. Justice Muhammad Karim Khan Agha

Mr. Justice Adnan-ul-Karim Memon

**Date of hearing and order:- 31.10.2025**

Mr. Irshad Ali Bhatti, advocate for the petitioner

Ms. Wajiha Mehdi, Assistant Attorney General

**ORDER**

**Muhammad Karim Khan Agha, J:** The petitioner prays for directions to Respondents No.1 & 2 IG Railways and DIG Railways to grant him proforma promotion as Sub-Inspector and Inspector from the dates his juniors were promoted, i.e 29.04.2016 & 15.11.2022, with all consequential benefits, in compliance with judgments of the Hon'ble Supreme Court and this Court.

2. The petitioner was appointed as Probationer ASI through open competition in Pakistan Railways Police, Karachi Division on 23.10.2003. He was permanently transferred to Sindh Police, Karachi vide order dated 10.02.2010. During his service in Sindh Police, he was promoted as Sub-Inspector (BPS-14) on 20.05.2011 through DPC and qualified the Upper School Course for further promotion as Inspector. Necessary entries were made in his service record.

3. Learned counsel for the petitioner contends that, pursuant to directions of the Supreme Court of Pakistan, protection of seniority, promotion, and other service benefits was to be extended to police officers repatriated from Sindh Police to other law-enforcement agencies, including the petitioner. The said directions have been implemented by Islamabad Police **and** Balochistan Police, granting promotions and seniority to similarly placed officers e.g., ASI Ansar Ahmed and SI Sadoro. Therefore, the petitioner, being similarly placed, is entitled to the same treatment and proforma promotion from the dates his batch-mates were promoted.

4. The learned AAG opposed the petition, submitting that the petitioner joined PRP Karachi Division on 23.10.2003, was trained as Probationer ASI, and later transferred to Sindh Police on his own request in 2010. He was promoted there as Sub-Inspector in 2011 and repatriated to PRP on 22.07.2022. Upon repatriation, he was absorbed in his substantive rank of ASI and later promoted as Sub-Inspector by DPC on 09.12.2022 after due process. It is further submitted that the petitioner proceeded on sick leave from 31.05.2023 to 26.10.2023, and upon

examination by the Railway Cairns Hospital Medical Board, he was declared medically unfit/invalid for further service w.e.f. 26.10.2023. Consequently, vide office order dated 17.05.2024, he was retired on medical grounds. However, a departmental inquiry found that the petitioner concealed facts and illegally promoted himself as Inspector; hence, his claim is untenable, and the petition merits dismissal.

5. We have heard learned counsel for the parties and have perused the material available on record with their assistance.

6. As per record, the petitioner Momin Khan, Sub-Inspector, Pakistan Railways Police, was examined by the Railway Medical Board on 26.10.2023, which recommended his medical invalidation. The promotion order dated 22.01.2024, including his name among newly promoted Inspectors, was issued prior to the formal invalidation order dated 17.05.2024. In service law, a Medical Board's recommendation has no legal effect until approved and notified by the competent authority; therefore, the petitioner remained in service when the promotion order was issued. However, if it is established that he concealed the Medical Board's recommendation or misrepresented his health status, the department would be justified in treating the promotion as voidable.

7. Accordingly, while the petitioner's promotion order was technically valid at the time of issuance, his subsequent invalidation and alleged concealment may warrant withdrawal of promotion and denial of proforma benefits. The competent authority is directed to re-examine the matter afresh, after affording the petitioner an opportunity of hearing, and to pass a speaking order within three months.

8. Petition stands disposed of in the above terms.

HEAD OF CONST. BENCHES

JUDGE