

# **HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD**

**C.P. No.D-1355 of 2024**

[ Bashir Ahmed vs. Province of Sindh and Others]

## **BEFORE:**

**JUSTICE ADNAN-UL-KARIM MEMON  
JUSTICE RIAZAT ALI SAHAR**

Mr. Mumtaz Sachal Awan, Advocate for Petitioner

Mr. Rafique Ahmed Dahri, Assistant A.G. Sindh, along with DSP Tariq Mehmood, Special Branch, Hyderabad & Inspector Wajid Hussain Soomro, Special Branch SSP Hyderabad.

Date of hearing & decision: 02.12.2025

## **ORDER**

**ADNAN-UL-KARIM MEMON J.-** The petitioner, through this Constitutional Petition, has prayed as follows:-

- a. To declare that the impugned letter dated 31.07.2024 is illegal, void, and against the principles of natural justice as the said letter is in contravention of the inquiry report dated 04.07.2024.
- b. To direct the respondent No.2 not to implement the letter dated 31.07.2024, as inquiry officers excluded the petitioner from all responsibilities.
- c. To direct the respondent No.2 to allow the petitioner to work in the post of Inspector, in which he was promoted and was working.

2. The case of the Petitioner is that he was appointed as Head Constable in the Police Department on 20.02.1985, and was subsequently promoted to the rank of Assistant Sub-Inspector on 14.02.1996. He later filed a petition before the Circuit Court, Larkana, seeking further promotion, which was allowed, resulting in his promotion to Sub-Inspector on 02.01.2011 in Larkana Division. Thereafter, on 23.04.2018, he was promoted to the post of Inspector. However, vide order dated 12.09.2019, the Petitioner, along with several others, was reverted to the rank of Sub-Inspector on the ground that he was not eligible for promotion as Inspector due to not falling within the promotion zone based on his actual date of appointment. The Petitioner maintains that this order was never communicated to him, and he continued performing his duties as Inspector. Unexpectedly, on 17.04.2024, he received an inquiry notice from the SSP Special Branch, Hyderabad, directing him to appear before the SP Technical Forensics & Explosives, CTD Sindh, Karachi, in relation to an inquiry. The Petitioner appeared before the Inquiry Officer, who, after recording statements from the Petitioner and other witnesses, concluded that the Petitioner had never been informed of his demotion, and that responsibility for this lapse rested with Mr.

Fasihuddin Shaikh, then OS Establishment, for failing to attach the relevant enclosures to the communication sent to DIG East Zone. Despite these findings, the Petitioner was again reverted to the rank of Sub-Inspector vide order dated 31.07.2024. Aggrieved by this action, he has filed the present Constitutional Petition and prays to allow the same.

3. Learned counsel for the Petitioner argued that, despite the Inquiry Officer's exoneration, the Petitioner was unlawfully demoted. It was further submitted that all other officers who were demoted along with the Petitioner challenged their reversion orders, which were subsequently set aside by the competent courts, and those officers were reinstated as Inspectors, yet the Petitioner alone has not been restored.

4. Upon issuance of notice, DIGP Special Branch, Sindh, Karachi, filed comments. In response to paragraph 6 of the petition, it was stated that, in compliance with the directions issued by IGP Sindh, Karachi, dated 31.07.2024, necessary instructions were communicated to SSP Special Branch, Hyderabad, for taking action against the Petitioner and that the Petition be dismissed.

5. Record demonstrates that the petitioner was appointed as Head Constable on 21.02.1985 in the Sindh Reserve Police. He was deputed to attend the Lower School Course at PTC Shahdadpur, which he completed in the term ending October 1985. He was later selected to undergo Intermediate School Course commencing on 01.11.1995 at the Police Training College, Shahdadpur, pursuant to SSP Larkana's order No. 08/75 dated 14.11.1995, and passed the course in the term ending May 1996. His services were confirmed in the rank of Head Constable with effect from 25.06.1996. Thereafter, with effect from 01.07.1987, he was absorbed from SRP into Sukkur Range against the newly sanctioned force, through an order of Inspector General of Police, Sindh, Karachi, bearing No. 9660/EV dated 27.07.1987. Subsequently, on the recommendations of Range Promotion Committee convened on 10.02.2001, and based on his overall satisfactory service record, he was promoted as an Officiating ASI vide office order No. EV/3611-17 dated 22.02.2001. He was later confirmed in the rank of ASI and admitted to List "E" with effect from 22.02.2003 through the then Regional Police Officer, Sukkur's order No. 1/20756-78 dated 06.06.2003. It has also been observed that, being an official originally appointed in SRP, the petitioner was entitled to seniority under Standing Order No. 125/94 of the IGP Sindh, as well as the principles laid down by the Honourable Supreme Court in the case of *Gul Hassan Jatoi, 2016 SCMR 1254*. However, according to the comments furnished by SSP Larkana, his case for entry into List C-1 was not properly examined, resulting in his name not being entered in the list in violation of the Standing Order. In such circumstances, the petitioner had passed the Lower School Course in 1985; his name ought to have been placed at Serial No. 440-B in

the C-1 Register of District Larkana, beneath those who completed the course in the same year. This omission caused considerable prejudice to him. Record further shows that HC/1021 Muhammad Azeem Jamarani, who is junior to the petitioner, appears at Serial No. 456 in the C-1 Register. He was promoted as ASI w.e.f. 14.02.1996, confirmed as ASI w.e.f. 14.02.1998, and promoted as Officiating Sub-Inspector w.e.f. 12.02.2009. Under Standing Order No. 125/94, the petitioner was therefore held entitled to receive the same seniority benefits as his junior, now SI Muhammad Azeem Jamarani. Consequently, his appeal was accepted, and he was granted antedated seniority and pro forma promotions in the following terms: his date of appointment as Head Constable was maintained as 21.02.1985; his date of admission to List 'C' was fixed as 01.11.1985; his promotion as ASI was reckoned from 14.02.1996 instead of 22.02.2001; his confirmation as ASI / placement in List "E" was fixed w.e.f. 14.02.1998 instead of 22.02.2003; and his promotion as an Officiating Sub-Inspector was counted from 12.02.2009. His seniority was accordingly placed above S.I Muhammad Azeem Jamarani in the E-List of Larkana Range. Subsequently, on 23.04.2018, the petitioner was promoted to the rank of Inspector. However, vide order dated 12.09.2019, he, along with several others, was reverted to the rank of Sub-Inspector on the ground that he was not eligible for promotion to Inspector as he did not fall within the promotion zone when assessed based on his actual date of appointment.

6. From the foregoing record, it is evident that the petitioner was extended antedated seniority and pro forma promotions after due scrutiny by the competent authority, strictly in accordance with Standing Order No. 125/94 and the law laid down by the Supreme Court in *Gul Hassan Jatoi v. Government of Sindh (2016 SCMR 1254)*. Once these corrections were made, the petitioner's service history, particularly his dates of qualifying courses, admission to List C, placement in List E, and promotion as ASI and subsequently as Sub-Inspector, stood regularized retrospectively. As a result, his seniority was lawfully placed above that of his junior Muhammad Azeem Jamarani, whose career progression had already formed the benchmark accepted by the department.

7. In these circumstances, the subsequent order dated 12.09.2019, whereby the petitioner was demoted from Inspector to Sub-Inspector on the premise that he lacked the requisite length of service as per his actual date of appointment, overlooks the fact that his service record had already been rectified and backdated by the competent authority. Once antedated seniority and pro forma promotions were granted, the petitioner was eligible and within the promotion zone. The department's own findings had recognized the earlier omission and had restored him to the position he was always entitled to. Therefore, the petitioner's reversion appears to have been made in disregard of the corrected seniority position, the

applicable Police Rules, Standing Order No. 125/94, and the binding precedent of the Supreme Court in *Gul Hassan Jatoi* case. The petitioner's demotion was, therefore, erroneous, unsustainable in law and liable to be set aside. Consequently, the petitioner's status as Inspector earned based on his antedated seniority and requisite qualifying service stands restored along with all consequential benefits.

8. This petition is accordingly allowed, and the impugned order is hereby annulled. His position as Inspector shall be reinstated in terms of his promotion order discussed hereinabove. Since the petitioner has already retired from service, he shall also be entitled to all admissible service benefits for the intervening period. The aforesaid exercise shall be completed within one month.

JUDGE

JUDGE

Karar Hussain/PS\*