

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. No. D-7381 of 2018

Date Order with signature of Judge

For order on Misc. No. 32357/2018.

For order on Misc. No. 32358/2018.

For hearing of main case.

23.10.2018

Syed Muhammad Akbar Advocate for the Petitioner.

1. Granted.
2. Granted subject to all just exceptions.
3. It is, inter alia contended by the learned counsel for the Petitioner that Petitioner applied for voluntarily retirement from the service of the Sindh Police as a Sub Inspector, which was allowed on 21.04.2017. Per learned counsel the Competent Authority of Sindh Police is empowered to re-enroll the Police Pensioners under Article 511 to 519, Civil Service Regulations and Police Rules 12.25 of Police Rules of 1934 up to the age of 55 years. He has further submitted that re-employment in the Police up to the age of 55 years is admissible under the law subject to the conditions enumerated in the aforesaid Police Rules. Learned counsel drew our attention to the application dated 05.03.2018 submitted by the Petitioner to the Competent Authority of Sindh Police for allowing him to serve the Sindh Police in accordance with the aforesaid Police Rules on companionate and humanitarian ground as well in order to lead normal life in pursuing day to day affairs. Per learned counsel the application is still pending for final orders. He lastly prays for issuance of notice.

The learned counsel for the Petitioner has heavily relied upon Police Rule 12.25(1)(a) of Police Rules 1934 and claim that the case of Petitioner falls within the ambit of aforesaid Rules, an excerpt of the same is as under:-

“12.25. (1) Re-enrolment of police pensioners: Under the orders contained in Articles 511 to 519, Civil Regulations, a police officer who has been discharged with a compensation or invalid gratuity or pension may be re-employed in the police up to the age of 55 subject to the following conditions:-

(a) he may either refund the gratuity or cease to draw pension, in which case he may count this former service for future pension, or he may retain his gratuity or pension in which case he cannot count his former service toward future pension.

(b) -----

2. The order re-enrolling such officer shall specifically state the amount of any gratuity, bonus or pension received by him on discharge, and a copy of such order shall be communicated to the Accountant-general. Directions also be given, if necessary, for the proper deductions to be made from his pay.

To appreciate as to whether a pensioner of Police department can be re-enrolled/re-employed, who had voluntarily retired from service. Let notice be issued to the Respondents as well AAG for a date to be fixed by the office.

JUDGE

JUDGE