

IN THE HIGH COURT OF SINDH,
Bench at Sukkur

C. P. No. D – 3219 of 2014

For Direction

For hearing of CMA 6839/2018

Date of Hearing & Order: 14-04-2022

Mr. Achar Khan Gabol, Advocate for the Applicants/Petitioners No.9&13.
Mr. Ahmed Ali Shahani, Assistant A.G.

ORDER

Through this Application, the Applicants / Petitioners No.9 & 13 have sought the implementation of Order dated 08.03.2018. The operative part whereof reads as under:-

“In view of the above, the Sindh Police Recruitment Board CPU Karachi is directed to consider the case of the petitioners strictly in accordance with law and prevailing rules, regulations and policy, however, subject to their appearance in the interview before the said Board. It is clarified that if the petitioners have been declared medically unfit or did not appear earlier before the above named Board, they will not be entitled to the benefit of this consent order. The above named Board is further directed to submit compliance report to this Court through its Additional Registrar within fifteen (15) days of the interview. Issue notice to Additional Inspector General Police Sindh Karachi for compliance of this order and a copy of this order be also provided to learned AAG.

By consent, the petition stands disposed of in the above terms”.

Notice was ordered and response has been filed on behalf of the AIGP / Legal-II for the Inspector General of Police Sindh, Karachi dated 26.11.2020 and perusal of the same reflects that insofar as two Petitioners, who have filed this Application are concerned, they were called for the physical test / process and one of them was disqualified being deficient in height and the other failed in the running exercise.

While confronted, Counsel for the Petitioners has argued that the Petitioners at the time of filing of this Petition had already passed these tests and they were only required to be called for the interview. However, when the said order, as above, is minutely examined; it appears that the contention of Petitioners' Counsel is misconceived, as it was clearly observed that if the Petitioners have been declared medically unfit or did not appear earlier before the above named Board, they will not be entitled to the benefit of this consent order.

In that case, we are of the view that since the Applicants / Petitioners No. 9 & 13 have not been found fit medically; therefore, they could not have been called in the interview. Notwithstanding, the above, even if they had qualified earlier, apparently, a medical fitness test conducted in 2013-2014, could not be considered for an appointment process directed to be completed in 2018 by way of the above order. Hence, no case of contempt is made out; therefore, this Application being misconceived is hereby **dismissed**.

J U D G E

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