

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C. P No. D- 1636 & 1719 of 2024

DATE ORDER WITH SIGNATURE OF JUDGE

Present:

Mr. Justice Zulfiqar Ali Sangi

Mr. Justice Arbab Ali Hakro

23.01.2025

Mian Taj Muhammad Keerio, Advocate for Petitioners.

Mr. Rafique Ahmed Dahri AAG Sindh along with Inspector Manzoor Ali, legal branch SSP office Hyderabad on behalf of IGP Sindh

ORDER

ZULFIQAR ALI SANGI, J.- Through these petitions, the Petitioners have prayed as under:

- A. *To hold the act of the Respondents not recommending the name of the Petitioner for promotion for want of ACRs as illegal, unlawful and void ab-initio as the Petitioners were not responsible to submit the secret document of ACR before the DPC.*
- B. *To direct the Respondents to promote the Petitioners to the next higher rank and they should not be reprimanded due to non-availability of ACRs/PERs, as due to late submission of the ACRs by their own department they should not be reprimanded.*
- C. *Costs of the Petition may be saddled upon the Respondents.*
- D. *Any other relief(s) which this Honourable Court deems fit, just and proper in favour of the Petitioner.*

Pursuant to Notice, learned Additional Advocate General Sindh files comments on behalf of Respondents No.3 & 4 in C.P. No.D-1636/2024 and on behalf of Respondent No.4 in C.P. No.D-1719 of 2024, which are taken on record.

From the contents of the Petitions and prayer clause(s), it appears that there is an issue in respect of ACRs of the petitioners and of promotion which falls under the terms and conditions of the Service and ousts the jurisdiction of this Court in view of the bar contained under Article 212 of the Constitution of Islamic Republic of Pakistan 1973. It is an established principle of law that the Courts assume their jurisdiction through particular law conferring particular jurisdiction. Article 212(2) of the Constitution specifically places an embargo on all other Courts except Service Tribunal to grant an injunction, make any order or entertain

any proceedings in respect of any matter relating to the terms and conditions of service even if they are mala fide, ultra vires or coram non iudice.

In view of above, these petitions being not maintainable are dismissed. The Petitioners are, however, at liberty to file representation or an appeal before the Service Tribunal whatsoever permitted by law.

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