

IN THE HIGH COURT OF SINDH KARACHI

Present:

Mr. Justice Adnan Iqbal Chaudhry
Mr. Justice Abdul Mobeen Lakho

C.P. No. D-5352 of 2024

[Muhammad Anwer Khan v. Province of Sindh & others]

1. For orders on Misc. No. 23707 of 2024.
2. For orders on office objection No.23.
3. For orders on Misc. No. 23708 of 2024.
4. For hearing of main case

Petitioner : Muhammad Anwar Khan son of
Lalpur Khan through Ms. Fatimah
Saqlain, Advocate.

Date of hearing : 25-10-2024

Date of decision : 25-10-2024

ORDER

Adnan Iqbal Chaudhry J. - 1. Urgency granted. 3. Exemption granted subject to all just exceptions.

2&4. At his own request, the Petitioner was retired upon completion of 25 years of service as an ASI in the Sindh Police *vide* notification dated 06.03.2020. The retirement was effective 10.03.2021 upon completion of L.R.P. At the end of 2023, the Petitioner made an application for re-employment under Rule 12.25 of the Police Rules, 1934, which was declined by the IGP, Sindh *vide* letter dated 01.01.2024 on the ground that re-employment could not be had under such Rule.

Heard learned counsel and perused the record.

The Petitioner was a civil servant, and section 14 of the Sindh Civil Servants Act, 1973 [Act] prohibits re-employment of a retired civil servant unless it is "necessary in the public interest". In the *Contempt Proceedings against the Chief Secretary* [2013 SCMR 1752], while declaring sub-section (3) of section 14 of the Act as *ultra vires* the Constitution of Pakistan, the Supreme Court observed that re-employment under sub-sections (1) and (2) of section 14 was

envisaged in compelling circumstances and in the public interest and not otherwise. In other words, a retired civil servant has no right to seek re-employment. That being the legal position, the rejection of the Petitioner's application for re-employment by the IGP Police Sindh is correct. The petition is therefore dismissed *in limine*.

JUDGE

JUDGE

*PA/SADAM