

THE HIGH COURT OF SINDH, KARACHI

Before:

Justice Mohammad Karim Khan Agha

Justice Adnan-ul-Karim Memon

CP No D- 2612 of 2021

(Shah Jehan Khattak v. Province of Sindh & another)

Petitioner : through Mr. Israr Ahmed, advocate.
Respondents No. 1 to 3 Mr. Ali Safdar Depar
Date of hearing: 15-05-2025
Date of order 15-05-2025

ORDER

Adnan-ul-Karim Memon, J., The petitioner prays that this Court direct Respondent No. 3 to:

- 1. Implement a "home district/domicile" column in all police seniority lists and maintain these lists according to the personnel's domicile, consistent with the Supreme Court's order of 06.05.2016 and the instructions of Respondent No. 2, a practice already adopted by other police ranges*
- 2. Declare the Notifications dated 02-08-2013 to be illegal and unlawful, as they were issued by Respondent No. 3 based on Standing Order 269/2013, which this Honorable Court has already declared illicit and void in its judgment reported as **2016 SCMR 1254**, paragraph (V).*

2. It is the case of the petitioner that he was appointed as a Police Constable on 22.01.2011, in Karachi Range; and, promoted to Assistant Sub Inspector (ASI) via departmental quota advertisement No. 03/2011 in 2014, he contested the provisional seniority list of ASI of Karachi Range, prepared on 15.1.2021, and the final list prepared on 10.1.2022. This seniority list, according to the petitioner, violated the judgment of the Supreme Court in the case of *Gul Hassan Jatoi (2016 SCMR 1254)* by omitting a "home district" column in the seniority list mandated by this Court and a subsequent Sindh Police directives dated 23.05.2016. The petitioner further claims that ASI promotions dated 02.08.2013 (serial numbers 441-1811) within the list are invalid, as they stem from a Standing Order (269/2013) had already been declared void by the Supreme Court in the aforesaid decision as such those Head Constables (HCs), who were promoted to the rank of ASI in the year 2013, needed to be withdrawn/recalled. As such the subsequent modification order dated 25.3.2015 is also illegal, by misconstruing the judgment of the Supreme Court on the subject issue. Consequently, the petitioner requests that this court order the inclusion of the domicile column in seniority lists and nullify the 2013 promotion notifications as well as modification of 2015, based on the aforesaid analogy.

3. Petitioner's counsel submitted that his seniority list as discussed supra is flawed due to the exclusion of domicile information and the inclusion of promotions based on an illegal standing order, nullified by the Supreme court, while the respondent police department has to maintain the seniority in terms of prevailing police rules and the decision of the Supreme Court reported in the Gul Hassan Jatoi case.

4. The learned AAG has opposed the petition with the narration that the petitioner's appointment as ASI in 2014 was a fresh appointment, not a promotion, however he added that there are certain changes in police regulations, after the judgment of the Supreme Court in Gul Hassan Jatoi's case. He further argued that the petitioner was confirmed after three years as per Police Rules 1934. The AAG claims that the petitioner's seniority in Karachi Range has been fixed according to Police Rules in terms of ratio of the judgment passed by he Supreme Court in Gul Hassan Jatoi case supra, by placing him at serial No. 1520. The AAG confirms the issuance of the tentative seniority list and its circulation for objections and the prepared final list in 2022, asserting it was prepared according to relevant Police Rules based on the date of promotion/appointment and confirmation as ASI. He prayed for the dismissal of the petition.

5. We have heard the learned counsel for the parties and perused the record with their assistance.

6. This is a simple case of enforcement of the judgment of the Supreme Court in terms of Article 187(2) of the Constitution and to resolve the subject issue involved in this petition, this Court directs the Inspector General of Police (IGP) Sindh to fully implement the Supreme Court's ruling in Gul Hassan Jatoi the case (**2016 SCMR 1254**) in letter and spirit and take care of the seniority issues of Police Constables to Inspector Level within reasonable time. With this direction, the petition is now disposed of along with pending application(s).

JUDGE

HEAD OF CONST. BENCHES

SHAFI