

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

C.P. No.D-1976 of 2019
[Nisar Ahmed v. Province of Sindh and others]

Before:
JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE RIAZAT ALI SAHAR

Petitioner: Nisar Ahmed through
Mr. Willayat Ali Magsi,
Advocate

Respondents: Province of Sindh & another
through Mr. Rafique Ahmed
Dahri, Assistant A.G. Sindh,
along with Zulfiqar Ali,
Additional I.G.P.
Establishment CPO Sindh,
Tariq Razzaque Dharejo
D.I.G.P. Hyderabad Range,
Adeel Hussain Chandio SSP
Hyderabad, SIP Wazeer
Babbar DIGP Office,
Hyderabad, Muhammad Ilyas
Qureshi PDSP Hyderabad,
Inspector Manzoor Ali, ASI
Muhammad Adnan, Legal
Branch SSP Hyderabad and
DSP Ayaz DSP Legal CPO
Sindh Karachi.

Date of Hearing: 20-11-2025

Date of order: 20-11-2025

ORDER

RIAZAT ALI SAHAR, J: - The captioned petition was disposed of by this Court vide order dated 08.12.2022, wherein the concluding paragraphs read as follows:

“12. In view of the above facts and circumstances of the case, this petition is allowed with direction to the IGP Sindh to award retirement benefits to the petitioner in the rank of Sub-Inspector by issuing notification of retirement in the aforesaid rank and to pay his full pensionary benefits as

admissible to Police Sub-Inspector after adjusting the dues already disbursed to him under the law within one month from the date of receipt of this order.

13. The aforesaid exercise shall be undertaken within two (02) weeks. The pending application stands disposed of accordingly. Let a copy of this order be communicated to the IGP Sindh for compliance.”

2. Against the said order, the Province of Sindh through the Home Secretary and others preferred Civil Petition No. 261-K of 2023, which was decided by the Honourable Supreme Court of Pakistan vide order dated 20.03.2025, the operative part whereof is reproduced as under:-

“The learned Additional Advocate General, Sindh, after arguing the matter at some length, submits that in compliance of the impugned order of the High Court, the case of the respondent will be considered as per relevant rules and in accordance with law.

In view of the statement of the learned Additional Advocate General, Sindh, this petition is disposed of accordingly.”

3. Pursuant to disposal of the civil petition, the petitioner has filed the present application under Article 204 of the Constitution read with Sections 3 & 4 of the Contempt of Court Act (M.A. No. 2919/2025), alleging non-compliance of the directions contained in the order dated 08.12.2022, which now stands affirmed in view of the Supreme Court’s order. It is also noted that earlier an application under Section 151 CPC (M.A. No. 7252/2023) had been filed seeking directions to respondent No.3.

4. On 26.08.2025, the following order was passed by this Court:

“The alleged contemnor has failed to appear. However, SSP Hyderabad (respondent No.5) is in attendance and undertakes to ensure compliance within fourteen days. Time is granted accordingly. To come up on 23.09.2025. Let notice be repeated to the alleged contemnor.”

5. A compliance report has been submitted showing that, in pursuance of the order of the Honourable Supreme Court in CPLA No. 261-K/2023, a Committee headed by the Additional IGP (Establishment), Sindh, examined the petitioner's request for proforma promotion to Sub-Inspector and found him not entitled.

6. This Court had earlier allowed the petition on 08.12.2022, directing that pensionary benefits be granted in the rank of Sub-Inspector. The Province of Sindh challenged the order, but the Honorable Supreme Court, on 20.03.2025, disposed of the matter on the statement that the petitioner's case would be considered under the relevant rules. After the petitioner filed a contempt application, further time for compliance was granted. The Committee has now concluded that the petitioner, having been promoted as ASI only in December 2002, was not eligible for further promotion before retiring on 31.03.2014, and no administrative delay occurred.

7. The petitioner relied on the Police Rules, 1934, and his service history to claim parity with colleagues promoted as Sub-Inspectors under an Office Order dated 21.10.2015. However, the record confirms that those colleagues were promoted in 2017, three years after his retirement.

8. Upon review of the compliance report and the relevant orders, it is clear that the respondents have fulfilled the Supreme Court's direction to examine the matter under the applicable rules. The Committee's decision demonstrates that no case for proforma promotion exists. Accordingly, the order of the Honourable Supreme Court stands fully complied with.

JUDGE

JUDGE