

**IN THE SUPREME COURT OF PAKISTAN**

(Appellate Jurisdiction)

**PRESENT:**

Mr. Justice Muhammad Ali Mazhar  
Mrs. Justice Ayesha A. Malik  
Mr. Justice Irfan Saadat Khan

**CIVIL APPEAL NO.3-L OF 2016**

[Against order dated 04.03.2015 passed by the Punjab Service Tribunal, Lahore in Appeal No.39 of 2014]

The Inspector General of Police, Punjab & Others     ...***Appellant(s)***

***Versus***

Waris Ali (deceased) through LRs & Others                     ...***Respondent(s)***

For the Appellant(s)                     : Barrister M. Mumtaz Malik  
   Additional Advocate General,  
   Punjab with Ms. Rubina, DSP

For LRs of Respondent No.1     : Mr. Zafar Hussain Ahmad, ASC/AOR

Date of Hearing                             : 17.04.2024

**JUDGMENT**

**Ayesha A. Malik, J.-** By leave of this Court granted on 11.01.2016, the Appellants, Inspector General of Police, Punjab (**IGP**) and others challenged the order dated 04.03.2015 passed by the Punjab Service Tribunal, Lahore (**Tribunal**) whereby the appeal filed by Respondent No.1 was allowed.

2. The basic facts are that Waris Ali, Respondent No.1, joined the police force as a constable on 06.02.1988; he was transferred to Police Training School, Multan on 01.03.1992 on the basis of one-step promotion; he completed his Lower School Course on 20.06.1993 and was admitted to List C-I on 01.07.1993 and promoted to Head Constable (**HC**) w.e.f. 01.03.1992; he completed the Intermediate Class Course in December 2008 and was admitted to List-D on 01.01.2009. Subsequently, he was promoted to Assistant Sub-Inspector (**ASI**) on 16.06.2009. The dispute at hand is in relation to Respondent No.1's claim for proforma promotion to the rank of ASI and then to the rank of Sub-Inspector (**SI**) by challenging the dates of promotion of his juniors, that is, Petitioners No.4 and 5.

3. The Additional Advocate General, Punjab, argued that Respondent No.1 is not entitled to promotion from the date on which

his alleged juniors were promoted to the rank of ASI and SI as the named officers are not his juniors. He further submits that the impugned direction by the Tribunal is not only contrary to the record and the facts of the case but also contrary to law. He states that promotion to the post of ASI or SI is dependent on completion of the courses stipulated in Rule 19.25 of the Police Rules, 1934 (**Rules**). He also submits that Respondent No.1 was granted his promotion on completion of mandatory training of Course-D which is required for the post of ASI under the said Rules. As far as Riaz Ahmed, SI (Petitioner No.5), is concerned, he was appointed in 1983 and subsequently completed his training in Course D in 2001. In the same way, Ghulam Mustafa, SI (Petitioner No.4), was appointed in 1976 and he completed training in Course D in 1994. So, the entire contention that those junior to him were promoted ahead of him was factually, incorrect. Even otherwise, his prayer could not be granted based on the law settled by this Court in the case of *Syed Hammad Nabi*.<sup>1</sup>

4. For a better understanding of the matter, a comparative chart of the service of Respondent No.1, Petitioners No.4 and 5 is provided below:

Particulars	ASI Waris Ali No.847	SI Riaz Ahmed No.752/M	SI Ghulam Mustafa No.73/M
Date of Birth	08.04.1968	01.05.1962	01.06.1956
Date of appointment	06.02.1988	06.12.1983	31.08.1976
Lower School Course	20.06.1993	19.10.1989	20.12.1987
Admission to List C-I	01.07.1993	01.11.1989	21.12.1987
Promotion as HC	09.03.2006 (original) 01.03.1992 (revised)	20.10.1992	21.12.1987
Confirmation as HC	01.03.1992	-	12.09.1994 (revised 21.12.1987)
Intermediate Class Course	December, 2008	September, 2001	February, 1994
Admission to List D	01.01.2009	01.10.2001	01.03.1994
Promotion as ASI	16.06.2009	14.05.2002	01.02.1996
Confirmation as ASI	-	14.05.2002	01.02.1996
Admission to List E	-	14.05.2005 (revised 14.5.2022)	17.06.2002 (revised 01.02.1996)
Promotion as SI	-	11.11.2006	06.12.2003

<sup>1</sup> Syed Hammad Nabi v. Inspector General of Police (2023 SCMR 584) (**Syed Hammad Nabi**).

In terms of the factual record provided, we note that Riaz Ahmed joined the police force on 06.12.1983 and Ghulam Mustafa on 31.08.1976. Therefore, clearly, they are not junior to Respondent No.1, who joined the force on 06.02.1988. Both, Petitioners No.4 and 5, cleared their Lower School Course and were admitted to List C-I before Respondent No.1. They both were also admitted to List D before Respondent No.1. In fact, they completed the Intermediate Class Course much before Respondent No.1. When confronted with this information, counsel for Respondent No.1 conceded to the fact that he only seeks promotion in accordance with law and accepts the fact that both Petitioners No.4 and 5 were not junior to him. In this regard, we note that the Tribunal failed to consider the record and also erred fundamentally on the question of whether or not Respondent No.1 was entitled to be promoted to the ranks of ASI and SI retrospectively from the date of promotion of his alleged juniors.

5. Promotion in the police force for upper subordinates is based on the fulfilment of the relevant courses stipulated in Rule 19.25 which is reproduced hereunder:

**[19.25]. Training of upper subordinates.** (1) Inspectors, sub-inspectors and assistant sub-inspectors, who are directly appointed, shall be deputed to the Police Training School to undergo the course of training laid down for such officers in the Police Training School Manual and are liable to discharge if they fail to pass the prescribed examinations or are badly reported on.

(2) On successfully completing the course at the school, upper subordinates will be posted to districts for practical training. The following programme of instruction shall be followed:-

**Course A.** - Prosecuting Inspector's work -

- (a) Maintaining registers.
- (b) Checking *chalans*.
- (c) Making a police brief.
- (d) Working as assistant prosecuting inspector.
- (e) Working as assistant prosecuting inspector in the Sessions Court.
- (f) Personally prosecuting cases.

**Course B.** - Police Lines -

- (a) Working as orderly head constable, keeping up files and registers and doing the actual work of the orderly head constable.
- (b) Reserve inspector's and Lines Officer's duties, doing the actual work.

**Course C.** - Office of Superintendent -

- (a) Working as assistant clerk in English office.
- (b) Working as record-keeper.
- (c) Working as return-writer.
- (d) Working as assistant reader to Superintendent.

(e) Working as assistant accountant.

**Course D.** - Training at a Police Station -

- (a) Working as station clerk for two months.
- (b) Assisting in the investigation of cases and learning the duties of officer in charge of a police station under the immediate supervision of the officer in charge of such a station for a period of six months.
- (c) Working as additional investigating officer in a police station for one year, or in the case of an inspector, as additional district, city or reserve inspector.

Officers undergoing courses A, B and C shall attend all parades in lines.

(3) Ordinarily course A shall last for 3 months, courses B and C for 6 weeks each and course D for the remaining probationary period. Directly appointed upper subordinates will thus be under training for 3 years before they are confirmed.

(4) On the completion of each course the probationer shall be examined by the Superintendent, who shall satisfy himself that the officer has obtained efficiency before allowing him to commence another course, and a concise report regarding the progress made shall be submitted to the Deputy Inspector-General in Part IV of Form 19.25(5).

(5) On the termination of the prescribed period of probation the Superintendent shall submit, to the Deputy Inspector-General for final order the full report required by Form 19.25(5) on the probationer's working and general conduct, with a recommendation as to whether he should or should not be confirmed in his appointment. In the case of inspectors such reports shall be forwarded to the Inspector-General.

The progress and final reports shall be filed with the character rolls of the officers concerned.

6. As per Rule 19.25, officers have to undergo various courses (A, B, C and D) to qualify for promotion. Training of upper subordinates, being Inspector, SI and ASI, is a mandatory requirement of law for the purposes of promotion in terms of Rule 19.25 of the Rules. Hence, for all intents and purposes, promotion from the date of the promotion of juniors is not possible for upper subordinates in terms of the clear provisions of Rule 19.25. It is critical to note that an officer must complete the required course(s) before seeking promotion. Furthermore, antedated promotion has been overturned by this Court numerous times, as it upsets the training requirement.<sup>2</sup> We also note that the focus of Rule 19.25 of the Rules is capacity building in order to develop knowledge, skill and the necessary traits required for the post and rank.

<sup>2</sup> Muhammad Amjad v. the Director General, Quetta Development Authority (2022 SCMR 797), Kashif Aftab Ahmed Abbasi v. Federation of Pakistan (2022 SCMR 1618) and Naveed Ahmed v. Federation of Pakistan (2012 SCMR 1133).

The purpose being that officers must have the requisite abilities to perform their duty.

7. Within this context, institutional capacity building has an important role to play as it ensures that the precise and required skills are available at the given rank and post. In fact, for effective results, capacity building should take place not only at the level of the organization and the rank, but also at an individual level. Hence, it develops officers at all three levels. Upper subordinates, who are at senior positions in the police force, are required to have certain skill sets expected with the rank and post. Police Officers should be willing to learn and develop their skill sets and capacity for effective policing. Being a disciplined force, the tendency to focus on promotions of juniors is totally irrelevant within the police department, where the primary focus and emphasis for promotion purposes should be training and capacity building.

8. The police force is a central organization in the law enforcement structure of the State. Training and capacity building is fundamental to its performance and progress. It would be prudent for the police force to focus on enhancing capability, performing productively and creating awareness. The institution cannot thrive if it is consistently consumed in litigation for promotion and other service-related benefits. Furthermore, the existing culture should change with strict adherence to the Rules for its smooth internal governance and administration, which this Court has held in the case of *Syed Hammad Nabi* described as follows:

[8]. It is best if the Police force is allowed to be regulated by its statutory framework i.e. the Police Order, 2002 and the Police Rules which provide a complete code of internal governance. Disputes, if any, amongst the police officers must first be resolved by the Inspector General of Police or his representatives. Only in case of any legal interpretation or blatant abuse of the process provided under the Police Order or Rules should the courts interfere in the working of the Police force so that the force can maintain its functioning, autonomy, independence and efficiency which is essential for Police which is charged with the onerous responsibility of maintaining law and order and with the onerous obligation to protect the life and property of the citizens of this country. More than any other organization, it is imperative that the Police must function as a rule based organization which is fully autonomous and independent in regulating its internal governance. Strong and smart Police force requires *organizational justice* firmly entrenched in the institution so that its officers are assured that they work for an institution that firmly stands for rules, fairness, transparency and efficiency. This upholds the morale of the police officers,

especially junior police officers who are required to undertake dangerous and strenuous assignments on a daily basis and also uplifts the institution by making it more vibrant and progressive.<sup>3</sup>

9. Hence, it is imperative that officers should focus on building institutional credibility and trust in the eyes of the public and develop an effective system of governance on service-related matters so as to end the trend of litigation on such matters. The entire case of Respondent No.1 was based on an erroneous understanding of seniority, and despite departmental orders highlighting the same, he chose to contest the same only to concede before us that Riaz Ahmed and Ghulam Mustafa were not his juniors.

10. In light of the above, this Appeal is allowed, and the impugned order dated 04.03.2015 of the Tribunal is set aside with no order as to costs.

**JUDGE**

**JUDGE**

**JUDGE**

Islamabad  
17.04.2024.  
'APPROVED FOR REPORTING'  
Azmat | Kehar Khan Hyder/-

---

<sup>3</sup> Syed Hammad Nabi, *supra* note 1.