

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:

Mr. Justice Umar Ata Bandial, CJ
Mrs. Justice Ayesha A. Malik
Mr. Justice Shahid Waheed

CONST. PETITIONS NO.34 AND 38 OF 2022

Rana Tahir Saleem
(in Const. P.34/2022)
Muhammad Javaid
(in Const. P.38/2022)

...*Petitioner(s)*

Versus

Province of Punjab through Chief Secretary to
the Government of Punjab Lahore and others
(in Const.P.34/2022)
Federation of Pakistan through Secretary
Establishment Islamabad and another
(in Const.P.38/2022)

...*Respondent(s)*

For the Petitioner(s) : Mr. Muhammad Shahzad Shoukat, ASC
(in Const. P.34/2022, via video link, Lahore)
Barrister Haris Azmat, ASC
(in Const. P.38 /2022, via video link, Lahore)
Ch. Akhtar Ali, AOR

On Court's notice

For the Federation: : Ch. Aamir Rehman, Addl. A.G.P.

For the ICT : Mr. Jahangir Khan Jadoon, A.G.

For the Govt. of Balochistan : Mr. Muhammad Ayyaz Khan Swatti,
Addl. A.G.

For the Govt. of KP : Malik Akhtar Hussain Awan, Addl. A.G.

For the Govt. of Punjab : Barrister Qasim Ali Chohan, Addl. A.G.
Sheikh Asif, AIG (HRC)
Muhammad Afzal Bashir, DS (Home)
Iram Shahzadi, LO

For the Govt. of Sindh : Muhammad Ghaffar, DSP(L) on behalf of
CPO Karachi
(via video link, Karachi)


Date of Hearing : 15.12.2022

ORDER

C.M.A. No.10077 of 2022 providing information
regarding frequency of transfer and average tenure of police
officers from the level of the Inspector General of Police to the

Station House Officers in the Province of Punjab has been filed by the Provincial Government. The report (C.M.A. No.9845 of 2022) filed by the AIG/Establishment for Inspector General of Police, Islamabad is more detailed and informative. It gives the names of officers and the period of their service in their respective posts. The reports (C.M.A. Nos.9852 & 9968 of 2022) filed by the Government of Sindh and the Government of Balochistan respectively, have given figures of average tenure of police officers in the said provinces. We would be better informed with detailed information in the manner provided by the ICT Police Establishment for the officer holding the posts of DPO upwards to PPO (IGP) and likewise for the police investigation hierarchy. Let that be done by all the Provincial Governments. The Government of KP has not filed any report. The Additional Advocate General KP regrets and seeks time. Allowed. Concise statement to be filed in the format indicated above.

2. The basic principles of law etched in the provisions of the Police Order, 2002 with respect to postings and transfers of police officers are: firstly, that a minimum statutory tenure in the post should be observed; secondly, if a premature transfer has to be made, the same should be done with the consultation of the concerned superior officer in the police establishment; and thirdly, the reasons for such transfer should be duly recorded. These principles expressed by the Statute are derived from the jurisprudence on good



governance laid down by this Court in furtherance of the requirements under the Constitution. We expect that all the Provincial Governments shall abide by these principles faithfully. In any event, for the provinces in which the Police Order, 2002 is in force, we invite the comments of such governments on why the provisions thereof are not being implemented. On a parity of reasoning in the other provinces and taking guidance from the wisdom of the Constitution, we issue notice as to why its principles of good governance should not be implemented on postings and transfers made in their police departments. Re-list in the month of January, 2023 along with Const. P. No.38 of 2022.

Islamabad
15.12.2022
Azmat+Naseer