

**IN THE HIGH COURT OF SINDH, KARACHI**

**Present:**

**Mr. Justice Muhammad Saleem Jessar  
Mr. Justice Nisar Ahmed Bhanbhro**

**Constitution Petition No. D-4722 of 2025**  
(Sarfraz and 04 others v. Province of Sindh & 2 others)

Petitioners : Through Ghulam Mustafa Hingorjo and  
Zameer Ahmed Bhutto, Advocates

Respondents : Through Mr. Hakim Ali Shaikh, Additional  
Advocate General, Sindh assisted by  
Mr. Sageer Ahmed Abbasi, Additional  
Advocate General, Sindh

Date of hearing : **24.02.2026**  
and order

**ORDER**

**NISAR AHMED BHANBHRO,J.** Through instant petition, the petitioners claim following relief(s):-

“A. That this Honorable Court may graciously be pleased to issue directions to the Respondents to appoint the petitioners on the basis of their disable quota, already framed by the Government of Sindh, which is fixed at 5% in each and every department of Government of Sindh as per policy framed by the Government, hence the petitioners are liable to be appointed for any post lying vacant as per their qualification

B. That the Official Respondents may also be directed to Implement the order dated 14.07.2022 passed by Honorable Supreme Court In CPLA No.745-K to 750-K/2022, wherein Chief Secretary has admitted that there are 1572 vacant posts and liable to be filled accordingly as per their qualification as the petitioners have already applied for their appointment in different departments of Government of Sindh and, being disable persons, their families are facing hardships hence, the petitioners lay their hands upon the mercy of this Court.

C. To Direct the Respondent No. 1 to implement 5% quota in all Government Departments as well Corporate/Private Sectors as per Section 11(12) of Sindh Empowerment of "Persons with Disabilities Act, 2018, so also in the compliance of order dated 05-08-2025 passed 1 CP-D-78/2022 reported as 2025-SUK-2032 without fail.

D. To direct the Respondents to promptly obtain the details of vacant posts from all its subordinates departments where they are

Chairmen of District Recruitment Committee(s) in order to furnish accurate number of sanctioned posts besides lying vacant and submit comprehensive report in this regard.

E. To direct the respondents to add the names Petitioners in the "PWD Funds" established under the specific direction passed vide order dated 05-08-2025 passed in CP-D-78/2022 reported as 2025-SUK-2032 without fail."

2. Learned counsel for the petitioners contends that the petitioners, being differently-abled persons, have for the last decade approached the concerned departments seeking appointment against the 5% quota reserved under Government policy, in accordance with their qualifications. Despite repeated representations and binding directions of this Court and the Hon'ble Supreme Court of Pakistan, the Respondents have failed to accommodate them against vacant posts reserved for persons with disabilities. It is argued that such inaction violates Articles 4, 9, 18, and 25 of the Constitution, and is contrary to the mandatory requirement of reserving 5% posts for differently-abled persons under the Sindh Empowerment of Persons with Disabilities Act, 2018. Learned counsel submits that no appointments were made after 03.03.2022, yet the number of posts was reduced to 1,572 as reflected in order dated 14.07.2022. He lastly prayed to allow this petition.

3. In contra, learned Additional Advocate General, Sindh referred to the judgment dated 20.03.2025 of Supreme Court of Pakistan passed in Civil Petitions for Leave to Appeal Nos. 220-K to 442-K of 2025 filed by the Province of Sindh, whereby it is directed that the recruitment process of differently-abled persons be finalized strictly in accordance with law. He contends that, pursuant thereto, all Deputy Commissioners/Chairmen of the District Selection Committees have been advised to convene meetings and to fill the remaining vacant posts against the 5% quota reserved for Differently Abled Persons, in strict adherence to the approved Government policy and quota. Learned AAG submits that the petitioners, if not already applied, may apply as and when vacancies are advertised by the concerned departments and, thus, the instant petition is liable to dismissal.

4. Heard the arguments of learned counsel for the parties and perused the material available on record.

5. In identical situation, Division Bench of this Court comprising of both of us (*Mr. Justice Muhammad Saleem Jessar & Mr. Justice Nisar Ahmed Bhanbhro*) had passed following orders in CP No.D-78 of 2022 & others:

“i. The DEPWD shall immediately establish “PWD Fund” to carry out the purposes of this Act.

iii. The DEPWD shall send a request to receive grants from Federal, provincial and other institutions for the PWD Fund and shall ensure that sufficient funds were available within a period of next three months. The finance department government of Sindh shall extend full cooperation to the DEPWD for generation of funds.

iv. The DEPWD shall immediately establish Special Employment Exchange and Portal in terms of Section 11 of the Act in each district of the province.

v. The DEPWD shall register the PWDs on the Employment Exchange and Portal, in a separate manner, based upon the academic qualification of PWD, ratio of disability and the capacity to perform duty in the particular field. The DEPWD shall ensure the registration of vagrants and take efforts to curb vagrancy in the province of Sindh, by removing all the beggars from public places to shelter homes, where they shall be provided facilities of living. The vagrants shall be encouraged to contribute to the society with their skills of art.

vi. The DEPWD shall call upon all government departments to furnish report regarding the working strength of employees, and ratio of five percent quota of PWDs and the number of PWDs employed by the department. Administrative Secretaries of all the departments of Government of Sindh shall ensure to submit such details to DEPWD within a period of two months from the date of order.

vii. The DEPWD shall call upon all private establishments to furnish report regarding the working strength of total

workforce employed, with ratio of five percent quota of PWDs and number of PWDs employed. All the Public and Private Establishments shall be under an obligation to submit such report to the DEPWD within a period of two months from the date of order.

viii. All the Municipal Corporations viz. Karachi, Hyderabad, Sukkur, Larkano, Nawabshah (Shaheed Benazirabad), Mirpurkhas, all the Development Authorities viz. Karachi Development Authority, Hyderabad Development Authority, Malir Development Authority, Sehwan Development Authority, Layari Development Authority, Karachi Water and Sewerage Corporation, Water And Sewerage Authority Hyderabad, all the Municipal Committees, Town Committees, District Councils shall furnish a list of the working strength of the employees presently working and the details of the PWDs employed against such strength to the DEPWD within a period of two months from today.

ix. All the Town Committees in the province of Sindh, where the working strength of the employees is twenty or more shall furnish a list of the total employees working and the details of the PWDs employed against such strength to the DEPWD within a period of two months from today.

x. The Universities public and private in the province of Sindh shall furnish a list of the working strength of the employees and the details of the PWDs employed against such strength to the DEPWD within a period of two months from today. The university administration shall also devise a policy for accommodation of the PWDs in different cadres of service within a period of three months from today.

xi. The DEPWD shall examine the details furnished by the departments, autonomous bodies, corporations and private establishments. The departments shall ensure that all the departments, autonomous bodies and private establishments were housing the five percent PWD under employment. The Departments, autonomous bodies wherein the working

strength of the PWDs is less than five percent, the DEPWD shall refer the case of PWDs for appointment against PWD quota. In case any establishment (private) refuses to employ PWD for any of the reasons, the said establishment shall be called upon to pay an amount equal to the salary of the employees which would have been paid to the employees if appointed against PWD quota. Such amount so received shall be deposited in PWD funds.

xii. The DEPWD shall ensure that all the PWDs who can seek job and perform duties are engaged in public and private establishments against the positions which do not call for any competitive process within a period of three months from today in accordance with laws and rules. In case any establishment shows its inadvertence and reluctance to comply with the directions of DEPWD the penal action as provided under the Act shall be taken against the said establishment.

xiii. If any PWD is not capable of doing any work and he cannot be given employment for any of the reasons of physical impairment or mental disorder, the DEPWD shall make arrangements for payment of disability allowance and unemployment allowance besides the other allowances provided under sub-Section 3 of the Section 12 of the Act to the said PWDs from the PWD Fund on monthly basis.

xiv. The job positions which are required to be filled through competitive process, the policy for recruitment against the said positions shall not be changed, merit shall not be compromised in any case and recruitment threshold for the competitive positions shall remain unchanged.

xv. The DEPWD shall ensure that no PWD in province of Sindh remains unemployed, in case any of the PWD cannot be employed for any of the reasons, the said PWDs shall be paid disability allowance and unemployment allowance which shall not be less than the minimum wages payable under the Wages Act.

6. Since the petitioners are differently-abled persons and under Sections 11 & 12 of the Sindh Empowerment of Persons with Disabilities Act, 2018, the respondents are under obligation to accommodate the petitioners to the extent of five percent (5%) quota.

7. This petition is, therefore, allowed. The respondents are directed to consider the case of the petitioners for appointment strictly in accordance with the law by following codal formalities within a period of three (03) months of the date of this order.

The office is directed to send a copy of this order to Respondents No.2 & 3, for compliance.

**JUDGE**

**JUDGE  
HEAD OF CONST. BENCHES**

Nadir\*