

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Const. Petition No. D- 1087 of 2020

DATE HEARING	OF	ORDER WITH SIGNATURE OF JUDGE
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Before:
Mr. Justice Aftab Ahmed Gorar &
Mr. Justice Fahim Ahmed Siddiqui

27-04-2021

Mr. Alam Sher Bozdar Advocate for the Petitioner.
Mr. Noor Hassan Malik, Assistant Advocate General a/w Muhammad
Anwar, Deputy Director, Population Welfare Department, Khairpur.

ORDER

AFTAB AHMED GORAR J., Through instant Constitutional Petition, petitioner Mst. Abida seeks her employment in respondents Department i.e. Population Welfare Department on the basis of ‘Deceased Quota’ as her mother was serving as Helper (BPS-02) in the respondents department and she died during tenure of her service on 31.08.2014.

2. We have heard learned counsel for the petitioner as well as learned Assistant Advocate General-Sindh so also perused the entire material available on record.

3. Pursuant to notices, respondents No.1 to 3 filed their joint para-wise comments. On perusal of para-wise comments, it is evident that the respondents have categorically denied to have received application of the petitioner in the year 2014 for her employment in respondents department on the basis of ‘Deceased Quota’, however, respondents admitted to have received the

application of the petitioner for her appointment on 06.07.2020. In order to resolve such controversy as to whether the respondents received application of the petitioner having inward No.566 dated 08.09.2014, DPW, Office, Khairpur (available at page-17 as Annex-B of the petition) or not, the officer in attendance has produced original Inward Register, which shows final Inward number as 402 till December, 2014, as such the contention of petitioner that she applied within two years of the death of her mother, as per policy, does not carry any weight.

4. Furthermore, it is also an admitted position that in the year 2017, through advertisement made by Chief Secretary, Sindh, applications were called for the appointment on the basis of 'Deceased Quota', but the petitioner had also failed to apply for her employment. In this regard, the respondents have annexed a letter dated 13.08.2020, issued by the Government of Sindh, Population Welfare Department, Sindh with their comments, which shows that SGA&CD Department had also issued Corrigendum of advertisement on 01.01.2017 regarding Deceased Quota appointment, mentioning the eligibility date line for applying as under:

- i. Those whose father/mother have expired during 2nd September, 2002 to 15th September, 2014.
- ii. Those whose father/mother have expired on or after 16th September, 2014 are supposed to apply within two years of death of their deceased civil servants.

5. It is also an admitted position that the application dated 03.03.2020 of the petitioner for her appointment on the basis of 'Deceased Quota' was received in the office of District Population

Welfare Officer, Kharipur, who forwarded the same to the respondent No.2 vide letter dated 06.07.2020, but when case of the petitioner was examined, it was not found under the policy/rules by the respondents and her application was regretted mainly for the reasons that her case did not fall within the purview of Article 11-A of the Sindh Civil Servant (Appointment, Promotion, and Transfer Rules, 1974). Moreover, the petitioner was supposed to either move an application for her appointment within two years of death of her mother or avail the opportunity of advertisement, made by the Chief Secretary, Sindh, whereby all such applicants were required to apply within 60-days, but the petitioner did not avail both opportunities, as such her claim appears to be not sustainable under the law, hence she was not found eligible for her appointment on the basis of 'Deceased Quota' in the light of Rule 11-A of Sindh Civil Servant (Appointment, Promotion, and Transfer Rules, 1974).

6. In view of the above, learned counsel for the petitioner has failed to make out a case for appointment of the petitioner on the basis of 'Deceased Quota'. Accordingly, instant petition merits no consideration and accordingly stands ***dismissed***. However, petitioner is at liberty to seek her employment either on the 'Deceased Quota' or merits, as and when vacancies occur in the respondents department.

JUDGE

JUDGE