

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 96 of 2020

(Mst. Munawar Khatoon v. Province of Sindh and others)

Present:

Mr. Muhammad Iqbal Kalhoro, J.
Mr. Arbab Ali Hakro, J.

Date of hearing : **01.02.2024**

Date of decision : **01.02.2024**

Petitioner Mst. Munawar Khatoon present in person.
Mr. Zulifqar Ali Naich, Assistant Advocate General Sindh.

ORDER

Muhammad Iqbal Kalhoro, J. – We have heard the parties. Petitioner is a widow of Late Agha Hussain, who died a natural death on 08.05.2019. She applied for a job on deceased quota in terms of Section 11-A of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974 within stipulated time but in vain, hence she filed the petition.

2. In response, in the comments respondent No.4 S.S.P Khairpur, while replying to para No.5, has disclosed that Asif Ali, a son of deceased namely Agha Hussain from another wife, had applied for a job on deceased quota. As far as petitioner's application is concerned, it is stated that she had applied for Junior Clerk on deceased quota of her husband. The same application was received by the Inspector General of Police Sindh from the office of Deputy Inspector General of Police Sukkur Range vide letter dated 02.02.2021. As per policy, a letter was issued to Deputy Commissioner Khairpur for verifying her credentials including domicile etc and another letter to NADRA for this purpose. It is further stated that a committee to approve the cases of Deceased Quota in CPO Sindh Karachi under Section 11-A of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974 has been constituted.

3. The comments are, however, silent as to what happened to the application of deceased's son namely Asif Ali or to the application of the petitioner, and why not one out of them was accommodated as per law. Later on, respondents No. 3 and 4 filed fresh comments stating that an advertisement in daily newspaper 'Panhji' inviting applications from the

legal heirs of deceased was published but the petitioner did not apply hence she is not entitled to the benefit under Section 11-A of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974.

4. We, however, do not agree with proposition postulated by respondents No. 3 and 4, for the petitioner had already applied in terms of Section 11-A of ibid law before the advertisement for appointment on deceased quota was made and on her application certain proceedings had already been taken. Since her application was already with the relevant authority when the advertisement was published, she was not required to re-apply in terms of publication. And if required her application could have been counted to have been made in terms of the publication and a letter issued for her interview. The object of advertisement is to put on notice aspirants of a vacancy and invite them to file applications. If the applications exceed the number of vacant posts, then a competition to earn the post is conducted amidst the applicants and successful ones promoted for final interview. In this matter, as petitioner had already moved application for the job on deceased quota. There were two options for the relevant authority to deal with it. Either, to decide it under section 11-A of ibid law, and if not then atleast call her for interview after publication. Apparently, it was not done and her application was simply consigned to dustbin.

5. Besides, the daily newspaper 'Panhji' has a very small circulation as compared to any other sindhi newspaper including daily 'Kawish'. There is strong likelihood that petitioner might not have come to know of such publication and hence did not re-apply. A suggestion that she deliberately did not apply implying an adversity against her has not been made. The petitioner's case was already pending decision before the competent authority hence the scheme followed in the wake of publication will not be applicable to the case of petitioner. Record is also silent as to whether son of late Agha Hussain in terms of his application was given a job or not. We, therefore, find no impediment to deny statutory benefit of ibid law to the petitioner. Consequently, we allow this petition and direct the respondents to consider the case of petitioner and appoint her on any post (between BPS-01 to 10) as per her qualification and submit compliance report within two (02) months. The petition is consequently **allowed** in above terms and disposed of accordingly.

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