

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Const. Petition No.D-1056 of 2021
(Adnan Ali Mangi v. Province of Sindh & others)

Before:

Mr. Justice Zulfiqar Ali Sangi

Mr. Justice Riazat Ali Sahar

Counsel for Petitioner: Mr. Riaz Ali Shaikh, Advocate

Counsels/ Representatives for Respondents: Mr. Ali Raza Baloch,
Additional Advocate General

Date of Hearing: 15-10-2025

Date of Order: 15-10-2025

ORDER

RIAZAT ALI SAHAR, J: - This petition along with bunch of identical petitions was disposed of vide order dated 14.05.2024 with the following directions:

“14. Prima facie, the plea of learned A.A.G./law officers present in court is tenable in the light of the verdict of the Supreme Court given on 10.08.2016 in C.P. No. 482-503- K of 2016. Accordingly, the aforesaid petitions are disposed of in the following terms:-

i) Petitioners/family/ one of the legal heirs of the deceased civil/public servants shall submit their application along with supporting material/documents to the Chief Secretary, Government of Sindh, through any recognized courier service on or before 30.05.2024, for scrutiny and consideration and decision through a speaking order on or before 27.05.2024 strictly under the law and the prescribed rules, procedure and policy, and after providing the opportunity of hearing to the petitioners.

ii) Offer letters shall be issued to the deserving candidates/petitioners if their case for appointment on deceased quota as well as based on invalidated or incapacitated for further service quota, is approved by the

Chief Secretary/competent authority where after petitioners shall complete all legal and codal formalities required under the law and the relevant rule, procedure, and policy.

iii) Petitioners' case if not approved by the competent authority, may seek their remedy, if any, before the competent forum under the law.

iv) The cases of those petitioners/family members /legal heirs of deceased civil public servants already regretted on any account are required to be re-considered by the competent authority, in the light of the dicta laid down by the Supreme Court and observation recorded in the preceding paragraphs.

v) The compliance report in the above terms shall be filed by the Chief Secretary, Government of Sindh, through learned A.A.G. with the Additional Registrar of this Court".

2. Thereafter, the petitioner filed Contempt Application (CMA No.5752 of 2025) on the ground that the aforesaid order had not been complied with in letter and spirit by the respondents. It was contended that the petitioner, being the son of a deceased employee, is lawfully entitled to appointment against the deceased quota in accordance with the prevailing service rules and standing orders. Learned counsel submitted that despite the petitioner's higher qualification and eligibility for the post of Sub-Inspector (BPS-09), he was unjustly appointed as a Police Constable (BPS-05), thereby depriving him of his legitimate right. It was further argued that similarly placed individuals have been appointed to higher posts under the same quota, and the denial in the petitioner's case amounts to discrimination in violation of Articles 4, 9, and 25 of the Constitution of the Islamic Republic of Pakistan, 1973.

3. Upon issuance of notice, Respondent No. 2/Inspector General of Police, Sindh, filed comments stating that the matter pertains to appointment under the deceased quota and necessary correspondence has already been initiated with the competent authorities, including the Services, General Administration and Coordination Department (SGA&CD), Government of Sindh, for appropriate action. It was

further submitted that in compliance with the common judgment dated 14.05.2024 passed by this Court in C.P. No. D-1691 of 2017 and connected petitions, the Province of Sindh preferred Civil Petition No.763-K of 2024 before the Honourable Supreme Court of Pakistan. However, the said Civil Petition, along with connected matters, was disposed of by the Honourable Supreme Court vide order dated 17.10.2024, whereby the apex Court directed the respondents to comply with paragraph 14 of this Court's judgment (reproduced above) in letter and spirit.

4. Heard learned counsel for the petitioner and learned Additional Advocate General representing the official respondents. The record, pleadings, and comments filed by Respondent No. 2 have been carefully examined.

5. Perusal of record reveals that this petition was already disposed of vide order dated 14.05.2024 with the above directions. It is also an admitted position that prior to filing the instant petition, the petitioner had already availed the benefit of the deceased quota once, having been appointed as Police Constable (BPS-05) by the competent authority vide order dated 03.01.2009. Having thus derived benefit under the said quota, the petitioner, by filing this contempt application, seeks a second appointment to a higher post of Sub-Inspector, under the same pretext, which is impermissible under law.

6. The policy and law governing appointments on deceased quota are intended to provide financial assistance to the bereaved family of a deceased public servant as a one-time compassionate relief, not as a recurring privilege. Once such benefit has been availed, the right stands exhausted and cannot be invoked again for upgradation or reappointment. The legal maxim *nemo debet bis vexari pro una et eadem causa*—no person should be twice vexed for one and the same cause—squarely applies. Furthermore, Rule 11-A of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, which earlier regulated such appointments, has since been deleted/omitted;

therefore, no legal basis remains for a second claim under the deceased quota.

7. In view of the foregoing discussion, and upon perusal of the record as well as the replies submitted by the respondents, this Court finds that the petitioner, having once availed the benefit under the deceased quota, cannot be permitted to claim the same benefit a second time, particularly when the enabling provision, i.e., Rule 11-A of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, stands omitted. The conduct of the petitioner, in seeking a benefit that no longer exists in law, reflects lack of bona fides, and he thus does not come before this Court with clean hands. Accordingly, no case of contempt is made out and the Contempt Application (CMA No.5752 of 2025), being misconceived, is dismissed with costs of Rs.5,000/- (Five Thousand), to be paid by the petitioner within thirty (30) days from the date of this order in the Clinic Fund of this Court.

JUDGE

JUDGE

Ahmad