

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Const. Pett. No.D-551 of 2023

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Hearing of case

1. For orders on office objections at flag 'A'
2. For hearing of main case

22.09.2025

Mr. Niazuddin N Memon, Advocate for petitioner
Mr. Ali Raza Balouch, Additional Advocate General

ZULFIQAR ALI SANGI, J.– Through the present Constitutional Petition, the petitioners have sought directions for their appointment in the recruitment process allegedly initiated by the respondents in the year 2012. The instant petition, however, has been instituted in the year 2023, after an inordinate and unexplained delay of more than eleven years.

2. Learned counsel for the petitioners has argued that the petitioners acquired a vested right to be considered for appointment against the posts advertised in 2012 and that the respondents acted unlawfully by withholding appointment letters. It has been prayed that this Court may issue directions to refer the case of the petitioners to the Grievance Redressal Committee for consideration of their claims.

3. We have heard the learned counsel for the petitioners and perused the record. At the very outset, it is evident that the petitioners have approached this Court after an extraordinary and unexplained delay. The recruitment process in question pertains to the year 2012, whereas the present petition has been instituted in 2023. The petitioners remained inactive for more than a decade without furnishing any cogent explanation.

4. It is a settled principle of law that delay and laches defeat equity. The Hon’ble Supreme Court of Pakistan in *Hameed Akhtar Niazi v. Secretary Establishment Division, Islamabad* (PLD 1996 SC 1185) has held that a person who sleeps over his rights and approaches the Court after considerable lapse of time cannot invoke constitutional jurisdiction. Similarly, in *Khalid Mahmood Wattoo v.*

Government of Punjab (1998 SCMR 2280), it was observed that a litigant who remains silent for years is not entitled to extraordinary relief.

5. In *Muhammad Arif v. Federation of Pakistan* (2014 SCMR 1189), the august Supreme Court reiterated that constitutional jurisdiction being discretionary cannot be invoked where the petition suffers from unexplained delay. Likewise, in *Muhammad Akram v. Government of Pakistan* (2004 SCMR 1879), it was emphasized that stale claims should not be entertained through constitutional petitions as doing so unsettles settled matters and prejudices vested rights of others.

6. In *Asadullah Khan v. State Life Insurance Corporation* (2016 SCMR 1736), the Hon'ble Supreme Court further laid down that laches not only manifest negligence on part of a litigant but also operate as a bar on the Court in extending discretionary relief, as such indulgence would encourage indiscipline in service matters and open floodgates of litigation.

7. Applying the aforesaid principles to the present case, it is manifest that the petitioners neither possess any vested right to appointment nor can they be permitted to agitate a recruitment process of the year 2012 after the lapse of more than a decade. Their indolence disentitles them to any relief under Article 199 of the Constitution.

8. It is equally well-settled that mere participation in a recruitment process or even qualifying tests/interviews does not create an indefeasible right of appointment. The competent authority retains discretion, subject to rules and availability of posts. Hence, the relief sought is misconceived.

9. In view of the above discussion, we hold that the instant petition is hopelessly barred by laches, devoid of merit, and is accordingly dismissed.

J U D G E

J U D G E

M. Ali*