

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, MIRPURKHAS
C.P.No.D-605 of 2024

DATE

ORDER WITH SIGNATURE OF JUDGE

26.11.2025

Mr. Muhammad Sharif Solangi, AAG.

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This Court vide order dated 19.08.2024, passed the following orders.

“9. We do not agree with the contention of learned AAG on the aforesaid analogy for the reason that when the father of the petitioner passed away, the petitioner was underage and when he reached the age of majority i.e. 18 years, he subsequently applied for appointment on deceased quota, thus his case is covered under the policy decision of the Government of Sindh discussed supra, as the candidature of the petitioner has already been forwarded by the respondent-department to the competent authority by finding him eligible for any suitable post if this is the position of the case, respondents ought to have considered his case for appointment on any post of ministerial nature as per his qualification.

10. This being the legal position of the case. This petition is, therefore, disposed of along with the pending application(s) with direction to the competent authority/Chief Secretary, Government of Sindh, to appoint the petitioner against the post of ministerial nature reserved for deceased civil servants, if he qualifies as per the policy decision of the Government of Sindh.

11. The aforesaid exercise shall be undertaken by them within 15 days from the date of receipt of this order. Let a copy of this order be transmitted to the Chief Secretary Sindh and the Secretary Education and Literacy Department, Government of Sindh, for compliance.”

Today, learned A.A.G has filed statement on behalf of the alleged contemnor No.5, which is taken on record. Learned A.A.G submits that a

speaking order has been passed by the alleged contemnors vide order dated 9th October, 2025, the contents whereof are reproduced as under:-

Whereas, Amir Niaz had preferred filing of Constitution Petition No.D-605/2024 before Hon'ble High Court of Sindh Circuit Court, Mirpurkhas the above petition was however, disposed of vide order dated 19.08.2024 in the following terms;

"The aforesaid exercise shall be undertaken by them within 15 days from the date of receipt of this order. Let a copy of this order be transmitted to the Chief Secretary Sindh and the Secretary Education and Literacy Department, Government of Sindh, for compliance"

And whereas, the Order dated 19,8,2024 passed by the Hon'ble High Court of Sindh, Circuit Court Mirpurkhas was challenged in the Hon'ble Supreme Court in Civil Petition No.918-K of 2024, which was disposed of vide order dated 24.03.2025 in the following terms:

"This case is related to the appointment under the deceased quota. In para 5 of the impugned order, the learned High Court has relied on the judgment of this Court dated 10.08.2016 rendered in Civil Petitions No.482 to 503-K/2016 and, in terms of the said judgment, the petitions were disposed of by the High Court. This Court has already provided the relevant guidelines in the aforesaid judgment. The directions given therein are clear and they may be complied with accordingly. There is no justification to cause any interference in the impugned order. This petition is dismissed leave refused"

And whereas, admittedly the father of Amir Niaz had expired in the year 2018 that time the petitioner under age and he did not apply within two years; whereas Rule 11-A of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974 was further amended vide Notification dated 30th July 2011 as under;

"Where a civil servant dies while in service or is declared invalidated or incapacitated for further service, one of his/her children or, as the case may be, widow [when all the children of the within a period of two years of death or declaration of invalidity or deceased employee are minor) shall be provided job who applied Department where such civil servant was working, provided that incapacity of civil servant on any of the basic pay scale 1 to 15 in the such appointment shall be made after fulfillment of formalities

as required in the recruitment rules and holding interview, for the post applied for"

And whereas, per above rules. Amir Niaz had not applied within the period of 02 year, hence not eligible for appointment, Further the Hon'ble Supreme Court of Pakistan has also declared the appointment under the deceased quota ultra vires of the Constitution.

And whereas, in compliance to the orders dated 19.8.2024 passed by Hon'ble High Court of Sindh Circuit Court Mirpurkhas Amir Niaz was given hearing on 16.05.2025 with further opportunity to represent the case but regrettably he could not satisfy the department.

Therefore, the case of Amir Niaz merits no consideration in the light of law, rules and explanation mentioned herein supra, hence regretted.

Learned A.A.G submits that the petitioner was given hearing on 16.5.2025 to represent his case but he could not satisfy the department therefore, his case was rejected though this Court's order has been merged in the order the Supreme Court vide order dated 24.3.2025 in civil petition No.918-K has opined as under:

"This is a case of appointment under the deceased quota. The learned High Court in para 10 of the impugned order though directed the Competent Authority to appoint the respondent against the post of ministerial nature reserved for the deceased civil servants but if he qualifies as per policy decision of the Government of Sindh Despite directions, the discretion has been awarded to the Competent Authority to consider the credentials and antecedents of the respondent before appointment as per policy decision of the Government of Sindh. In the circumstances, we do not find any justification to cause any interference in the impugned order of the High Court. This petition is dismissed. Leave refused. We are not satisfy with the order passed by the alleged contemnor, let he be in attendance and submit explanation as to why proceedings in terms of section 204 should not be initiated against him as order of this Court has been merged into the order of Supreme court hence there is violation of Article-187 of the constitution."

We are not satisfied with the order passed by the alleged contemnors, let he be in attendance and submit explanation as to why proceedings in terms of section

204 shall not be initiated against him.

To come up on 03.12.2025.

JUDGE

JUDGE

Ahmed/Pa,

