

**ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD
C.P No.D-127 of 2013**

DATE ORDER WITH SIGNATURE OF JUDGE

FOR KATCHA PESH1.

22.10.2013.

Mr. Muhammad Sachal R.Awan, advocate for the petitioner.
Mr. Allah Bachayo Soomro Additional Advocate General Sindh.

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Through instant petition, petitioner has invoked constitutional jurisdiction of this Court and prays as under: -

- a. *To declare that the respondent No.1 correctly approved the case of petitioner for appointment against son-quota after going through entire codal formalities in case of death of father of the petitioner.*
- b. *To direct the respondent No.4 to issue appointment letter as per approval of respondent No.1.*

2. Succinctly, but relevant facts as stated in the instant petition are that father of the petitioner namely Allah Bachayo Chandio was working in police department as Assistant Sub-Inspector, while during his service, he lost his breath. Petitioner applied for the post of police constable on the basis of deceased quota; such application was processed by the department according to the policy laid down in the Standing Order No.211/2007 issued by respondent No.1. After completion of whole process, He was recommended by the respondent No.4, but thereafter petitioner was declined for such appointment on the ground that petitioner lacks qualification for such post.



3. Respondent No. 4; filed comments contending therein that *"it is fact that on recommendations of office of the respondent No.4 necessary approval was issued for appointment of the petitioner as Constable against Son Quota according to Standing Order No.211/2007 by worthy IGP Sind{h} Karachi vide his letter No.19114-16/T-7/E-IV/S&S/2011 dated 10-10-2011. To fulfillment of the codal formalities the petitioner was verified medically and his character/antecedents were also verified from concerned Police Station."* It is further contended that petitioner was found over age by one year, nine months and five days hence, according to Standing Order age limit was 18 to 28 years and also petitioner was having deficiency of 1 ½ inch in chest. Such relaxation was also recommended but same was declined by respondent No.1.


4. Learned counsel for respective parties reiterated the same contentions according to their pleas.

5. After careful consideration of contentions agitated by respective parties and meticulous examination of available record it is suffice to say that petitioner's case was considered by department; pursuant to that respondent No.4 completed all the formalities according to the Standing Order thereby recommended the case of the petitioner for final approval. It is further surfaced that petitioner was declined to be appointed on the ground that he was over age about one year, nine months and five days and having deficiency of 1 ½ inch in chest.

6. We have examined the Recruitment Policy of son quota as framed under Standing Order No.211/2007, wherein in the column of procedure of



recruitment, item No.3 contends that "*IGP Sindh may grant condonation in qualification and physical standard to the son/daughter who have been recommended for appointment by the Recruitment Committee.*" It is worth to add here that petitioner's candidature cannot be equated with the candidature of the persons, who apply directly on merits. Candidly, petitioner has claimed appointment according to policy laid down by respondent No.1; which was introduced for those employees who served the department and lost their breath while in service .Therefore, a discretion has been vested with I.G to grant condonation in qualification and even physical standard to such a son / daughter therefore, petitioner's candidature should not have been called with that of one who applies directly else the purpose and objective of such Standing Order may frustrate even. Such policy itself vests the jurisdiction, which is meant to be exercised in such like situation i.e where candidate is found requiring leniency in qualification and physical standard thus, insertion of such discretion in Standing Order has to be given its due significant value and cannot be overlooked in slip short manner. It is also noteworthy to mention here that Standing Order provides the special procedure for appointment on the basis of son quota and refusal to the petitioner by the respondents is not substantiated by any valid reason. Since the petitioner has otherwise qualified all the formalities and was considered for recruitment as police constable, therefore, there is no justification to deny him his legally earned right under a policy, framed for such person(s).


 Consequently, instant petition is allowed as prayed. The respondents

CP No. D/27/2013.

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are hereby directed to issue appointment order in favour of Petitioner
within one month under compliance report through A.R. of this
Court


JUDGE


JUDGE 22/10/13.

AC