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**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**

Present:

*Mr. Justice Ahmed Ali M. Sheikh &  
Mr. Justice Salahuddin Panhwar.*

Const. Petition No. D- 2305 of 2011.

1. For katcha peshi.
2. For hearing of CMA 7877-11.

Feroze Khan and four others.....Petitioners

VERSUS

District Officer (Roads), Ghotki and others. ....Respondents

Mr. Bhajandass Tejawani Advocate for the Petitioners.  
Mr. Noor Hassan Malik, State Counsel.

Date of hearing: 28<sup>th</sup> May, 2013.

**ORDER**

Ahmed Ali M. Sheikh J., From the pleadings, it appears that pursuant to advertisement appeared in 'Daily Jang Karachi' in its issue dated 26<sup>th</sup> November, 2008, whereby applications were invited for the posts of Beldars in BS- 01 and 02, the petitioners being eligible applied for the same. Their applications were entertained and subsequently they were called for interview, conducted by the Departmental Committee, under the chairmanship of Superintendent Engineer, Provincial Highway Circle, Sukkur and consequently they were declared as successful candidates. It is the case of the petitioners that though other candidates, who applied in the similar fashion and qualified the interview like petitioners, were issued appointment orders, but such treatment was not extended to them.

2. Pursuant to notices, Superintendent Engineer, Works & Services Department and Executive Engineer, Highways Division, Ghotki furnished their comments, whereby they did not deny the contents of the petition, however, they categorically submitted that since the petitioners could not produce their testimonials, therefore, appointment orders were not issued.

3. Mr. Bhajandass Tejawani, learned counsel for the petitioners contended that the petitioners and other candidates, who applied for the aforesaid posts,

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qualified the interview and they were as declared successful by the Committee, headed by Superintendent Engineer, Works & Services Department. Though the other candidates, like petitioners, applied, qualified the interview and got appointment orders, but due to reasons best known to the respondents, petitioners were deprived.

4. Mr. Noor Hassan, State Counsel, could not controvert the contentions, advanced at bar by Mr. Tejwani and extended his no objection if the instant petition is allowed, as prayed for.

5. We have heard the learned counsel for the petitioners as well as State Counsel and scanned the material and documents available on record.

6. As far as eligibility of the petitioners, their participation in the interview and appearance of their names in merit-list, are concerned, same is admitted by the respondents in their comments. Since other candidates, who applied for the same posts in response to same advertisement, have been appointed, whereas the petitioners have been deprived on flimsy grounds, which amounts to discrimination on the part of official respondents. The explanation furnished by the respondents in respect of non-issuance of appointment orders of the petitioners seems to be evasive and vague and did not appeal to prudent mind. Besides, petitioners, who are jobless and possess required qualifications, could not be expected to behave, as alleged by the respondents and even till date they are attending this court with their original testimonials. Therefore, it appears that the petitioners are victims of nepotism and favoritism as under the garb of aforesaid lame excuse, respondents have accommodated their blue-eyed boys. It is also worthwhile to mention here that the policies of the Government are required to be implemented uniformly and indiscriminately. However, in the case in hand petitioners have been discriminated though they were eligible to be appointed for the posts of Beldars like other candidates.

7. Article 25 of the Constitution of the Islamic Republic of Pakistan, 1973 provides that all citizens are equal before the law and are entitled to equal protection of law. In other words, persons similarly placed would have equal rights. When certain rights were declared to be available to one or more persons, then all such persons similarly placed with them would stand declared entitled to such right. Denial of equal right to such person would be sheer discrimination and contravention of Article 25 of the Constitution.

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8. For the foregoing reasons, instant petition is allowed. Consequently, respondents are directed to issue appointment orders to the petitioners within a month after receipt of this order, under compliance report to this Court through Additional Registrar.

9. Office is directed to send facsimile copy of this order to the Secretary, Works & Services Department, Sindh Karachi as well as Superintendent Engineer, Works & Services Department for information and compliance Non-compliance of this order may expose the delinquent officers to contempt of court proceedings.



JUDGE

  
JUDGE

Ahmed