

PRESENTED
17-7-2012
ADDITIONAL REGISTRAR

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

2124
Constitution Petition No.D- of 2012

Roshan Ali S/O Late Noor Muhammad,
Muslim, Adult, by caste Bozdar,
R/O Village Muhammad Ali
Bozdar, P.O Jarawar, Taluka Mirpur
Mathelo, District Ghotki. Petitioner

VERSUS

- 1/- Province of Sindh, through
Secretary Food Department,
Government, Sindh Secretariat Karachi.
- 2/- Chief Secretary, Sindh through
at Chief Minister Secretariat
at Karachi.
- 3/- District Food Controller,
Ghotki at Mirpur Mathelo.
- 4/ Deputy Director Food ,
Sukkur Region Sukkur.
- 5/- Deputy Commission Ghotki
at Mirpur Mathelo.
- 6/- Assistant Commissioner Mirpur Mathelo,
District Ghotki. Respondents

**CONSTITUTIONAL PETITION UNDER
ARTICLE 199 OF CONSTITUTION OF
ISLAMIC REPUBLIC OF PAKISTAN 1973.**

ORDER SHEET
IN THE COURT OF SINDH BENCH AT SUKKUR

C.P. No. D- 2124 of 2012.

For Katcha Peshi.

22nd May, 2013.

Mr. Hadi Bux Bhatt for the Petitioner.
Mr. Imtiaz Ali Soomro, Assistant A.G.

Learned Assistant A.G. files para-wise comments on behalf of respondent No.4; same are taken on record and copy whereof is supplied to petitioner's counsel.

2. Petitioner claims employment in Food Department in terms of Rule 11-A of Sindh Civil Servants (Appointment, Promotions & Transfer), Rules, 1974, as his father, namely, Noor Muhammad was serving in Food Department as Chowkidar and passed away during service on 12.11.2010.
3. Pursuant to notice, respondents No. 4 to 6 filed their comments, whereby they have not denied the contents of the petition, however, respondent No.4 has categorically stated in para-5 of his comments that the case of the petitioner has been forwarded to Director, Food Sindh, but till date no order has been received.
4. Learned counsel for the petitioner contends that there is no rebuttal on the part of respondents in respect of petitioner's claim in terms of Rule 11-A of Sindh Civil Servants (Appointment, Promotions & Transfer), Rules, 1974. Besides, his case has been forwarded by the concerned authority to high-ups, therefore, instant petition may be allowed.

Learned Assistant A.G. in view of above, conceded and extended his no objection for the grant of relief, as prayed for by the petitioner.

Admittedly, the petitioner's case is fully covered under Rule 11-A of Civil Servants (Appointment, Promotions & Transfer), Rules, 1974 and respondents have already forwarded his case to higher authorities, but till date no

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further step has been taken. Besides, during last 4/5 years, number of employees have been appointed in Food Department.



7. In view of above, we allow this petition with directions to the respondents

No. 3&4 to issue appointment order to the petitioner for the post of Chowkidar within a period of 15 days after receipt of this order under compliance to this court through Additional Registrar. Non-compliance of this order may expose the delinquent officers to contempt of court proceedings.

8. Let facsimile copy of this order be communicated to respondents No. 3&4 over fax for information and compliance.

JUDGE  27/5/13
JUDGE

Ahmad