

Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition Nos. D-790/2018, D-8056/2017, D-8779/2017,  
D-7261/2017, D-7090/2017, D-7359/2017, D-3376/2018, D-2080/2018, D-  
6209/2019, D-1737/2020, D-1830/2020 & D-3978/2020

Date	Order with signature of the Judge
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**22.10.2020** :

Mr. Nadeem A. Shaikh, advocate for petitioners in C.P. Nos. D-790/2018 and D-7090/2017.

Syed Shoa-un-Nabi, advocate for Interveners.

M/S Mansoor Ali Panhwar and Ali Mohsin advocates for petitioners in C.P. Nos. D-7261/2017, 8056/2017, 8779/2017 and 2080/2018.

Mr. Muhammad Ashraf Chohan, advocate for petitioners in C.P. No. D-3978/2020.

Mr. Hakim Ali Shaikh, Additional A.G. along with Syed Saif-ur-Rehman, Secretary (Services) SGA&CD, and Umar Farooq, Additional Secretary SGA&CD, Government of Sindh.

Ms. Amna Ansari, Additional P.G.

Syed Khalid Munir, advocate / Law Officer of respondent No.6 C.P. No. D-3978/2020.

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**NADEEM AKHTAR, J.** – Petitioners in all these petitions, who are differently abled persons, have filed these petitions for appointment in the quota reserved for such persons. After hearing learned counsel for the petitioners, learned Advocate General (present on 26.08.2020) and learned Additional Advocate General Sindh and the Secretaries and focal persons of the relevant departments on various dates, and in view of the undertakings given by the latter on the said dates, several directions were given to the respondents vide orders dated 27.02.2020, 26.08.2020 and 28.09.2020. In compliance of the said orders, compliance report dated 21.10.2020 and additional compliance report dated 22.10.2020 have been filed by the Secretary (Services) SGA&CD, Government of Sindh, which are taken on record.

Umar Farooq, Additional Secretary SGA&CD, Government of Sindh, who is present in person on behalf of the respondents, states that appointment orders in respect of 75 out of 81 petitioners have already been issued, copies whereof are attached to the compliance reports filed today. Regarding the remaining 06 petitioners, it is stated in the report that the process of issuance of appointment orders in their favour is in the final stage and the same will be concluded soon after completion of the usual codal formalities etc. Learned counsel for the petitioners in all these petitions point out that despite specific direction on the last date of hearing, appointment orders have not been received by any of the 81 petitioners who have admittedly been recommended for appointment.

With regard to those 49 petitioners, whose cases were pending and were under consideration as mentioned in the last order, the above named Additional Secretary states that 21 petitioners have been recommended whose appointment orders shall be received by them before the next date of hearing. It has been pointed out by several petitioners, who are present in Court, as well as by learned counsel appearing in all these petitions that many petitioners have still not been considered ; and, reasons for not recommending the remaining petitioners have also not been disclosed by the respondents.

Regarding Sumbal Sikandar D/O Sikandar Ali Shaikh, petitioner in C.P. No. D-7090 of 2012, it has been stated that she has been posted in her own district i.e. District Hyderabad. This fact has been confirmed by Sumbal Sikandar, who is present in person.

As several departments of the Government of Sindh are involved in the process, according to learned AAG and the above named Additional Secretary, it will not be practical to give direction to every such department. Keeping in view the special circumstances of the petitioners and the hardship being faced by them, particularly when all of them are unable to chase the respondents for compliance of this Court's orders or to pursue their cases actively, all the parties, their learned counsel, learned AAG and representatives of the respondents / departments agree that priority must be given to these matters for expeditious redressal of the petitioners' grievances. We are of the view that the Chief Secretary Sindh, being the senior most officer in the Province, would be the most suitable person to oversee the entire process under his personal supervision in order to ensure not only the compliance of this Court's orders, but also to conclude the exercise in relation to those petitioners whose cases have not yet been considered and/or finalized. Accordingly, the Chief Secretary Sindh is directed as under :

1. To ensure that appointment orders are received by all the 102 (81 + 21) petitioners, before the next date of hearing, who have been already recommended for appointment ;
2. To ensure that cases of all such petitioners in these petitions, that have not yet been considered and/or finalized, are considered on merits, strictly in accordance with law, and after providing adequate opportunity of hearing to them a speaking order is passed by the competent authority before the next date of hearing in relation to every such petitioner who is rejected for appointment ;
3. To ensure that appointment orders must be delivered, within fifteen (15) days of the recommendation, to all such petitioners who are recommended for appointment ;

4. To ensure that all those petitioners who have been or will be recommended and have been / will be issued appointment orders are allowed to join their duties before the next date of hearing after completion of all codal formalities ;
5. To communicate this order to all the relevant departments and their Secretaries with direction to ensure implementation and compliance thereof in letter and spirit within the stipulated period ; and,
6. To submit compliance report to this Court in terms of the above directions on the next date of hearing.

Let notice be issued to the Chief Secretary Sindh for compliance. By consent, adjourned to **24.11.2020 at 11:00 a.m.**

JUDGE

Zahid/\*

JUDGE