

IN THE HIGH COURT OF SINDH AT KARACHI

Before:-

Mr. Justice Muhammad Shafi Siddiqui

Mr. Justice Adnan-ul-Karim Memon

Constitutional Petition No.D-4066 of 2018

Zaheer Ahmed Hisbani v. Province of Sindh and another

Constitutional Petition No.D-4067 of 2018

Masood Ahmed v. Province of Sindh and another

Date of hearing
& Decision: 26.01.2021

Mr. Muzafar Ali Dehraj, advocate for the petitioners.

Mr. Ali Safdar Depar, Assistant Advocate General Sindh along with Raza Mian DSP (Legal).

ORDER

ADNAN-UL-KARIM MEMON, J: - Petitioners in these petitions are seeking appointment on the ministerial post on deceased quota in Police Department, Government of Sindh, in terms of Rule 11-A of Sindh Civil Servants (Appointment Promotion and Transfer) Rules, 1974.

2. Mr. Muzafar Ali Dehraj, learned Counsel for petitioners, has argued that the petitioner's father in C.P. No.D-4066/2018 passed away during service on 20.03.2007 as Police Constable, whereas the father of petitioner in C.P. NO.D-4067/2018 passed away during service on 15.04.2016 as Assistant Sub-Inspector; that upon their death, they filed their respective applications to the competent authority and since then no decision has been taken by the respondent-Police department for their appointment on deceased quota on a suitable post as per their qualification and eligibility. In support of their contention, they heavily relied upon Rule 10-A and Rule 11-A of Sindh Civil Servants (Appointment, Promotion, and Transfer) Rules, 1974 and argued that petitioners are entitled to be considered for any suitable post under law.

3. Mr. Ali Safdar Depar, learned Assistant Advocate General, initially resisted these petitions however when confronted with the legal position of the case, he has submitted that the case of petitioners for appointment on quota reserved for deceased employees may be referred to the competent authority of Government of Sindh for consideration in the light of Rule 11-A of Sindh Civil Servants (Appointment Promotion and Transfer) Rules, 1974, subject to the exception made therein.

4. We have heard learned counsel for the parties on the aforesaid issue.
5. Prima-facie, the plea of learned A.A.G. is tenable in the light of the latest verdict of Honorable Supreme Court given on 10.08.2016 in C.P. No. 482-503-K of 2016.
6. Accordingly, by consent, the instant petitions are disposed of in the terms that firstly petitioners shall submit their applications afresh along with supporting material/documents to the Chief Secretary, Government of Sindh, through any recognized courier service on or before 04.02.2021, for scrutiny and consideration and decision through a speaking order on or before 19.02.2021 strictly under the law and the prescribed rules, procedure and policy, and after providing the opportunity of hearing to the petitioners. Secondly, the offer letters shall be issued to the petitioners if their case for appointment on deceased quota is approved by the Chief Secretary/competent authority where after petitioners shall complete all legal and codal formalities required under the law and the relevant rule, procedure, and policy. Thirdly, petitioners' case if not approved by the competent authority they may seek their remedy, if any, before the competent forum under the law.

JUDGE

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