

**IN THE HIGH COURT OF SINDH,  
CIRCUIT COURT, HYDERABAD**

**C.P No. D- 2744 of 2017**

Muhammad Ghayas v. Province of Sindh and others

**CP No. D- 3607 of 2017**

Zulfiqar Ali Shah v. Province of Sindh and others

**CP No. D- 1347 of 2018**

Muhammad Rafique v. Province of Sindh and others

**CP No. D- 2071 of 2018**

Sarfraz Ali v. Province of Sindh and others

**CP No. D- 2681 of 2018**

Mazhar Hussain v. Province of Sindh and others

**CP No. D- 2926 of 2018**

Waheed Ali v. Province of Sindh and others

**CP No. D- 221 of 2019**

Altaf Hussain v. Province of Sindh and others

**Present:-**

**Mr. Justice Nadeem Akhtar**

**Mr. Justice Adnan-ul-Karim Memon**

Date of hearing: 31.10.2019

& decision: 31.11.2019

Mr. Ghazanfar Ali Bhutto, advocate for petitioner in CP No. D- 2744 of 2017.

Mr. Khadim Hussain Soomro, advocate for petitioner in CP No. D- 3607 of 2017

Mr. Imamuddin Otho, advocate for petitioner in CP No. D- 1347 of 2018

Mr. Hussain Bux Solangi, advocate for petitioner in CP No. D- 2071 of 2018

Mr. Nouman Sehto, advocate for petitioner in CP No. D- 2681 of 2018

Mr. Asim Shabbir Soomro, advocate for petitioner in CP No. D- 2926 of 2018

Mr. Siraj Ahmed Khoso, advocate for petitioner in CP No. D- 221 of 2019

Mr. Allah Bachayo Soomro, Addl.A.G.

## ORDER

**ADNAN-UL-KARIM MEMON, J:** - Petitioners in these petitions are seeking appointment on ministerial posts on deceased quota in terms of Rule 11-A of Sindh Civil Servant (Appointment Promotion and Transfer) Rules, 1974, in the Police Department, Government of Sindh. Since the facts are common, hence all the above numbered petitions are being disposed by this common judgment.

2. Initially, the petitioners were selected for their respective ministerial posts on quota reserved for deceased employees of the police department but on account of non-availability of vacancies, they were not accommodated; therefore, they have approached this Court.

3. Mr. Allah Bachayo Soomro, learned A.A.G has taken stance that though the petitioners were duly recommended for their respective posts on deceased quota by the committee constituted on the directives of Inspector General of Police, however, due to non-availability of posts their submissions were turned down. He further pointed out that petitioner namely Zulfiqar Ali Shah in CP No. D- 3607 of 2017 had applied on the basis that her sister namely Mst. Rahat Shah Sub-Inspector died during service, therefore his case does not fall within the ambit of deceased quota. At this stage Mr.Khadim Hussain Soomro learned Counsel representing the petitioner has refuted the claim of learned A.A.G. on the ground that he being legal heir of the deceased is fully entitled for the post reserved for deceased quota. We do not agree with the assertion of learned Counsel for the simple reason that he claims appointment on the basis of death of her sister under Rule 11-A of Sindh Civil Servant (Appointment Promotion and Transfer) Rules, 1974, which is meant for a civil servant who dies while in service and one of his/her children or, as the case may be, widow (when all the children of the deceased employee are minor) shall be provided job on the aforesaid quota. Record reflects that no comments have been furnished in CP No. D- 2071 of 2018, CP No. D- 2681 of 2018 and CP No. D- 2926 of 2018, though this Court vide order dated 15.10.2019 adjourned the matter for today on the undertaking of learned A.A.G. that authorized representatives / officers of the department shall be in attendance, however learned A.A.G. submitted that the issue involved in the matter is same and seeks disposal of the instant petitions on the basis of order dated 30.10.2019 passed by this Court in CP No. D- 556 of 2017 and others in the same terms.

4. We have heard the parties and perused the material on record.

5. In our view, Rule 11-A of Sindh Civil Servant (Appointment Promotion and Transfer) Rules, 1974 is very clear in its terms and the cases of the

petitioners, except the case of petitioner in CP No. D-3607 of 2017, whose case does not fall under Rule 11-A of Sindh Civil Servant (Appointment Promotion and Transfer) Rules, 1974, therefore his case cannot be considered being outside the ambit of aforesaid Rule.

6. The Honorable Supreme Court of Pakistan in C. P. No. 482-K & 503-K of 2016 vide order dated 10.08.2016 has held that the clog of two years for making application for employment under deceased quota for the children who have already applied for employment prior to making of this rule, was done away.

7. In the light of above discussion, it is crystal clear that the Government of Sindh can make recruitment to the post applied by the petitioners on the basis of deceased quota by issuing appointment order by invoking Rule 11-A of Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974.

8. In our view public employment is a source of livelihood; therefore, no citizen shall be discriminated in the said matter on the grounds as provided under Article 27 of the Constitution. The government is bound to make certain quota in appointments or posts in favour of any backward class of citizen which in the opinion of the government is not adequately represented in the services under the state. That's why Rule 11-A of Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974 as amended up-to-date is introduced to cater that situation to accommodate the children of civil servants who died during service. Resultantly, we do not find any impediment in allowing the instant petitions on the aforesaid analogy.

9. In the light of above facts and circumstances of the case, the instant Petitions are hereby disposed of in the terms, whereby the Competent Authority / Chief Secretary to Government of Sindh is directed to consider the case of the Petitioners for their appointment against ministerial post(s) (other than the police force), on the basis of Rule 11-A of Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974, subject to their qualification for the posts in accordance with the dicta laid down by the Honorable Supreme Court of Pakistan in the case referred to herein above within a period of two months from the date of receipt of this order.

Let a copy of this order be communicated to the Respondents for information and compliance.

JUDGE

JUDGE