

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

C.P No. D- 590 of 2015

Present:-

Mr. Justice Nadeem Akhtar

Mr. Justice Adnan-ul-Karim Memon

Petitioner. : Nemo for the petitioner.

Respondents. : Through Mr. Allah Bachayo Soomro,
Addl. Advocate General, Sindh a/w
Mr. Furqan Ali Deputy DEO
Mirpurkhas o/b of DEO Mirpurkhas.

Date of hearing. : 05.12.2019

& decision. : 05.12.2019

ORDER

ADNAN-UL-KARIM MEMON, J: - Through this petition, Petitioner is seeking appointment on deceased quota in terms of Rule 11-A of Sindh Civil Servant (Appointment Promotion and Transfer) Rules, 1974, in the Education Department, Government of Sindh.

2. Initially, the petitioner had approached for his appointment on quota reserved for deceased employees of the education department but on account of non-availability of vacancies, he was not accommodated; therefore, he has approached this Court.

3. We have heard and perused the material on record.

4. In our view, Rule 11-A of Sindh Civil Servant (Appointment Promotion and Transfer) Rules, 1974 is very clear in its terms and the case of the petitioner does fall under Rule 11-A of Sindh Civil Servant (Appointment Promotion and Transfer) Rules, 1974, therefore his case be considered being inside the ambit of aforesaid Rule.

5. 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.

6. In the light of above discussion, it is crystal clear that the Government of Sindh can make recruitment to the post applied by the petitioner 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.

7. 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 petition on the aforesaid analogy.

8. In the light of above facts and circumstances of the case, the instant Petition is hereby disposed of in the terms, whereby the Competent Authority / Chief Secretary to Government of Sindh is directed to consider the case of the Petitioner for his appointment against ministerial post(s) on the basis of Rule 11-A of Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974, subject to his qualification for the post 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

Fahad Memon