

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

CP No. D- 1348 of 2018

BEFORE :

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Adnan Iqbal Chaudhry

Date of hearing
& decision:

10.11.2021

Petitioner:

Noor Muhammad through Mr. Kanjimal Meghwar,
Advocate

Mr. Ayaz Ali Rajpar, Asstt: A.G.

ORDER

ADNAN-UL-KARIM MEMON, J: - The petitioner in the instant petition has prayed for an appointment to the post of Naib Qasid / Bailiff in Judicial District Mirpurkhas on deceased quota.

2. The case of the petitioner is that his father was serving as a peon in Judicial Department at Judicial District Mirpurkhas, who died during service on 31.5.2009; that Honourable Chief Justice of Sindh vide letter No. HC/ADMIN/00565 dated 23rd July 2012, ordered as under:-

“There should be a fixed quota for employing children of the deceased/ retired employees. It should be applicable to employees of Grade 1 to 5 only. The employment in the higher grade, should be strictly on merits. The children of those employees should be given preference who expired while in service as sudden loss of earning member of a family creates hardship for the dependents. Those employees who have retired or have died after retirement are supposed to have already planned for their children while they were in service, therefore, out of the total quota say about 20% the children of those employees, who have expired during service, should be given preference. On remaining 80% the appointing authority be free to appoint persons who are most capable for the post. In the quota of children of the deceased employees should be given preference over children of retired employees”.

3. That after the above administrative order of Honourable Chief Justice many times various posts of BPS-1 to 5 were announced in Judicial District Mirpurkhas; and, the petitioner applied on deceased quota for Naib Qasid & Bailiff but he was not appointed though he was called for test/interview; that the father of petitioner passed away nine years back and since then the petitioner along with his family is suffering; and, finding no other remedy has filed the instant petition in 2018 with the above prayer.

4. Upon notice District & Sessions Judge, Mirpurkhas has filed comments. In the comments it has been admitted that as per available record the father of petitioner died during service hence the petitioner was entitled to be considered for appointment for pots (BPS 1 to 5) on deceased quota as per circular of Honourable Chief Justice referred by the petitioner; he further stated in the comments that in the year 2014 publication was made for appointment against two vacant posts of Naib Qasid and three posts of chowkidars; the petitioner applied but as per record two-person namely Ali Gul and Aijaz were appointed on deceased quota; in the year 2016 another publication was made against vacant post of Bailiff, the petitioner also applied but two persons namely Adeel Ahmed and Zaheer Ahmed were appointed on deceased quota; lastly in the year 2017 publication was made for recruitment on different posts, the petitioner applied for the post of Naib Qasid and as per record the selection committee had recommended four persons as successful candidates on merit and not on deceased quota.

5. We have heard the learned counsel for the petitioner and perused the material available on record.

6. The facts narrated above show that the petitioner was duly considered on the deceased quota along with others who had applied on the same quota. It appears that the petitioner could not be appointed because the other candidates were found more suitable / deserving. Thus no further action is required on our part in exercising the power under Article 199 of the Constitution as writ does not lie against such decision of the Administrative Committee of District Judiciary. However, we expect from the learned District & Sessions Judge, Mirpurkhas to keep in mind the petitioner on the quota reserved for deceased employees as and when any vacancy occurs as the petitioner has been applying for a post on said quota since long, but unfortunately could not succeed. That observation is however subject to all just exceptions as provided under the law.

7. This petition stands dismissed with the above observation.

JUDGE

JUDGE