

**IN THE HIGH COURT OF SINDH,**  
**Bench at Sukkur**

**C. P. No. D – 1338 of 2021**

Saleem Fazul .....Petitioner  
Versus  
P.O. Sindh and others.....Respondents

**Before:**

Mr. Justice Muhammad Junaid Ghaffar  
Mr. Justice Zulfiqar Ali Sangi

Date of Hearing & Order: **20-01-2022**

Mr. Ali Mohsin, Advocate for the Petitioner.  
Mr. Zulfiqar Ali Naich, Assistant A.G-Sindh.

**ORDER**

**Muhammad Junaid Ghaffar, J.** – Through this Petition, the Petitioner has sought the following relief(s):

- (a) Direct the Respondent No.2 to consider the application of the Petitioner for the post of Police Constable or any other suitable post and appoint the Petitioner as the father of the petitioner died during his service in Police Department, as such the petitioner meet all the requirement for the post of Police Constable or any suitable post on deceased Quota.
- (b) Direct the Respondent No.2 to issue appointment order to the Petitioner as Police Constable or any other suitable post in terms of Rule 11-A of the Sindh Civil Servant (Appointment, Promotion and Transfer) Rules, 1974.
- (c) Declare that the act of the Respondent No.2 not considering the application of the Petitioner for the post of Police Constable or any other suitable post on deceased quota is based on malafide intention, illegal, unjustified without any lawful authority”.

**2.** Notices were ordered and comments have already been filed; whereas, today as directed, learned Assistant A.G has filed statement along with copy of Judgment dated 10.08.2016 (*The Province of Sindh and others v. Waheed Ali Amur and others*) passed by the Hon'ble Supreme Court in C.Ps No. 482-503-K of 2016, which has been relied upon in the comments of the official Respondents.

**3.** We have heard Petitioner's Counsel and perused the record. It appears that the Petitioner's father expired during service on 13.10.2005, when the Petitioner was a minor as he was born on 29.11.1995. It appears that subsequently on attaining the age of majority, the Petitioner approached the department for his appointment under Deceased Quota. Record further reflects that the Petitioner's case was considered by the competent authority on 29.09.2017 and he was found to be ineligible for his appointment as Constable, as he lacked requisite qualifications; whereas, he was also found deficient in height and therefore his case was rejected. He was also not considered for any other suitable post including Naib Qasid as there was no vacancy.

**4.** Admittedly said decision was taken in the year 2017; whereas instant Petition has been filed on 02.09.2021 and it has not been explained as to why Petition has been filed after a lapse of four years; hence, it is hit by laches. Moreover, Petitioner's case has already been considered in accordance with the Rules and he was found to be ineligible; whereas no other ground has been urged or made out so as to issue any direction for his appointment. Hence, this Petition being misconceived is hereby dismissed.

J U D G E

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Ahmad