

IN THE HIGH COURT OF SINDH AT KARACHI

Before:-

Mr. Justice Muhammad Shafi Siddiqui

Mr. Justice Adnan-ul-Karim Memon

Constitutional Petition No.D-687 of 2018

Faizan Khan v. Government of Sindh & 02 others

Constitutional Petition No.D-688 of 2018

Faiz Aslam Khan v. Government of Sindh & 02 others

Constitutional Petition No.D-689 of 2018

Mst. Inayat Jabeen v. Government of Sindh & 02 others

Date of hearing
& Decision :

16.03.2021

Mr. Umar Farooq Khan, advocate for the petitioners.

Mr. Ali Safdar Debar, AAG a/w 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 Servant (Appointment Promotion and Transfer) Rules, 1974.

2. Mr. Umar Farooq Khan, learned Counsel for petitioners, has argued that petitioners' father passed away during service; that upon their death, they filed applications before the competent authority of Police Department and since then no decision has been taken by the respondent-department for their appointment on deceased quota on a suitable post as per their qualification and eligibility. In support of his contention, he 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 the law.

3. Learned A.A.G. initially resisted these petitions on the premise that the petitioners did not apply in time for the subject posts, as such their case could not be considered for appointment, however, we confronted the legal position of the case; and, several cases, decided by this Court on the subject issue, he in principle agreed for disposal of these petitions accordingly. However, he submitted that the case of petitioners for appointment on quota reserved for deceased employees may be referred to the competent authority of the Government of Sindh for consideration in the light of Rule 11-A of Sindh Civil Servant (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. Accordingly, the instant petitions are disposed of in the following terms:
 - i. Petitioners shall submit their application along with supporting material/documents to the Chief Secretary, Government of Sindh, through any recognized courier service on or before 24.03.2021, for scrutiny and consideration and decision through a speaking order on or before 08.04.2021 strictly under the law and the prescribed rules, procedure and policy, and after providing the opportunity of hearing to the petitioners.
 - ii. 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.
 - iii. Petitioners' case if not approved by the competent authority, may seek their remedy, if any, before the competent forum under the law.
 - iv. The compliance report in the above terms shall be filed by the Chief Secretary, Government of Sindh, through learned A.A.G. with the Additional Registrar of this Court.

Let, notice be issued to the Chief Secretary Sindh and Inspector General of Police, Government of Sindh, along with a copy of this order for its compliance in letter and spirit.

By consent, these petitions are disposed of in the above terms with no order as to costs.

JUDGE

JUDGE

