

*Order Sheet*  
**IN THE HIGH COURT OF SINDH KARACHI**

Before:

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Adnan Iqbal Chaudhry

**Constitutional Petition No. D – 6462 of 2019**

Muhammad Najam

*Versus*

Province of Sindh & others

Date of hearing & Order : 22.04.2021

Mr. Abdul Samad Memon, advocate for the petitioner.

Mr. Ali Safdar Depar, AAG.

**ORDER**

**ADNAN-UL-KARIM MEMON, J.** Petitioner is seeking appointment against the quota reserved for deceased civil servants as provided under Rule 11-A of Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974, on the premise that his father was serving as Assistant Excise & Taxation Officer in the Excise & Taxation Department, Government of Sindh, who passed away during service on 01.2.1999.

2. Learned Counsel for the petitioner has argued that petitioner's father passed away during service on 01.2.1999; and, after attaining the age of majority, he filed an application before the respondents and since then no decision has been taken by the respondent department for his appointment on deceased quota on a suitable post as per his qualification and eligibility. In support of his contention, he heavily relied upon Rule 10-A and Rule 11-A of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974 and argued that the petitioner is entitled to be considered for any suitable post in accordance with law.

3. Learned A.A.G. has submitted that the case of the petitioner for appointment on quota reserved for deceased employees may be referred to the competent authority of 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. *Prima-facie*, the plea of learned A.A.G. is tenable in the light of the latest verdict of the Honorable Supreme Court given on 10.08.2016 in C.P. No. 482-503- K of 2016.

5. Accordingly, the instant petition is disposed of in the following terms:

- i. The petitioner shall submit his application along with supporting material/documents to the Chief Secretary, Government of Sindh, through any recognized courier service on or before **28.4.2021**, for scrutiny and consideration and decision through a speaking order on or before **01.6.2021** strictly in accordance with law and the prescribed rules, procedure and policy, and after providing the opportunity of hearing to the petitioner.
- ii. Offer letter shall be issued to the petitioner if his case for appointment on deceased quota is approved by the Chief Secretary/competent authority where after petitioner shall complete all legal and codal formalities required under the law and the relevant rule, procedure, and policy.
- iii. If the petitioner's case is not approved by the competent authority, he may seek his remedy, if any, before the competent forum in accordance with law.
- iv. Compliance report in the above terms shall be filed by the Chief Secretary, Government of Sindh, through learned A.A.G. with the M.I.T-II of this Court.

Let notice be issued to the Chief Secretary Sindh and Secretary, Excise & Taxation & Narcotics Department, Government of Sindh, along with a copy of this order for its compliance in letter and spirit. By consent, this petition is disposed of in the above terms with no order as to costs.

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