

IN THE HIGH COURT OF SINDH KARACHI

Before:

Mr. Justice Naimatullah Phulpoto
Mr. Justice Adnan-ul-Karim Memon

Constitutional Petition No.D-6750 of 2021

Huzaifa Hanif
Petitioner through : Mr Sikandar Zulqarnain, advocate.

Respondents
through : Mr. Ali Safdar Depar, AAG

Date of hearing : 06.04.2022

Date of order : 06.04.2022

ORDER

Through the captioned Constitutional Petition, the petitioner is seeking the appointment on the ministerial post on deceased quota in respondent Public Health Engineering Department, Government of Sindh, in terms of Rule 11-A of Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974.

2. Both the learned counsel agreed to the disposal of this petition in terms of the order dated 22.02.2022 passed by this Court in CP No.D-7321/2019 and CP No.D-5475/2021. An excerpt of the order dated 22.02.2022 is reproduced as under:

“4. We put the question to the learned AAG as to why the petitioners have been non-suited against the quota reserved for deceased civil servants vide letters dated 18.12.2019 and 6.7.2021. He replied that their fathers had passed away in the year 2011 and 2016 and they did not apply within two years from the death of their father.

5. We do not agree with the contention of learned AAG on the aforesaid proposition as Rule 11-A as discussed supra, is clear in its terms, needs no further deliberation.

6. This being the legal position of the case. These petitions are, therefore, allowed along with the pending application(s) with direction to the Chief Secretary, Government of Sindh, and respondents to appoint the petitioners against a post reserved for deceased employees in terms of Rule 11A of Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974. The aforesaid exercise shall be undertaken by them within 15 days from the date of receipt of this order.”

3. We have heard learned counsel for the parties and perused the material available on record.

4. Primarily, the case of the petitioner is akin to the case decided by this Court in aforesaid petitions, therefore, this petition is allowed in terms of the ratio of the order dated 22.02.2022 passed by this Court in the aforesaid petitions.

Let a copy of this order be communicated to the respondents for compliance.

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Nadir*