

Order Sheet
**IN THE HIGH COURT OF SINDH,
BENCH AT SUKKUR**

C. P No. D – 2304 of 2016

Date	Order with Signature of Hon'ble Judge
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Hearing of case

For hearing of main case

15.09.2022

M/s Abdul Naeem Pirzada and Muhammad Ayaz Shaikh,
Advocate for the petitioner

Mr. Muhammad Aslam Jatoi, Assistant Attorney General

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It is alleged that respondent No.2 issued Offer Letter, dated 09.07.2011, for the appointment of the petitioner as a Lower Division Clerk (LDC) (BPS-02) in Pakistan Broadcasting Corporation (**'PBC'**) on contract basis for a period of two years on the prescribed terms and conditions; however, despite approaching, the petitioner was not allowed to join his service. It is also alleged that the aforesaid Offer Letter was issued to petitioner under deceased quota on account of death of his father, who served in **PBC** as Stenographer and died during his service.

In response, comments have been filed by respondent No.3, wherein it has been pleaded that the Assistance Package of the **PBC** for the family of the deceased employees provides that the widow or one child of the deceased employee will be provided employment for two years on contract basis in PBC Scale- 1 to 4 subject to eligibility of the candidate. It has further been pleaded that under said Assistance Package the said Offer Letter was issued to petitioner but he failed to avail such opportunity as he did not report for duty, as per letters dated 23.08.2011 and 15.02.2011(*copies are annexed with the comments as*

annexures 'C & D'), and after elapse of four years instant petition has been filed by the petitioner. It has also been pleaded that there is no provision for re-appointment of an employee, once given employment under deceased quota, which the petitioner failed to avail.

Learned counsel for the petitioner has failed to refer any rule under that the petitioner may be re-appointed against deceased quota in **PBC**, which is a corporate body and its services are governed under the rules framed by its Board of Directors having no statutory backing. In absence of Statutory Rules, the petitioner cannot invoke the Constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973. Even otherwise this petition, filed in the year 2016 after four years of occurring of the alleged cause of action, badly suffers from laches for that no plausible explanation has been furnished by the petitioner, hence, this same being devoid of merits is dismissed accordingly, with no order as to costs.

Judge

Judge

ARBROHI