

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. No. D-3705 of 2022

Date Order with signature of Judge

Hearing

1. For orders on office objection
2. For hearing of main case

28.09.2022.

Mr. Iftikhar Ahmed Bhutto, advocate for Petitioner
Mr. Ali Safdar Debar, AAG alw DSP, Zafar on behalf of Respondent No.3,
Inspector Altaf, KPO (Legal) Branch and Sajjad Ali on behalf of CPO Legal
Branch

Through this petition, the petitioner has sought appointment on the basis of Rule 11(A) of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974 as according to Petitioner his father was finally declared as incapacitated/invalidated for service on 16.01.2018, whereas, from such date, the petitioner had approached the Respondents within 2 years period as provided in the said Rule *ibid*; however, the Respondents have refused to attend to such appointment request.

Notice was ordered; comments have been filed and it is the case of the Respondents that the petitioner was required to apply within 02 years from the date of invalidation i.e. 02.11.2017 on which date the Service Hospital issued an Invalidation Certificate to the Petitioner's father.

We have heard the learned counsel for the Petitioner as well as learned AAG Sindh and have perused the record. Insofar as the contention of the Respondents regarding counting of 2 years' period from the date of Invalidation Certificate issued by Service Hospital is concerned, we are not inclined to accept the same inasmuch as the final order of the Employer, i.e. Government of Sindh, regarding invalidation of the petitioner's father, which is relevant for the present purposes, has been issued on 16.01.2018 and admittedly counting from such date the application for appointment dated 3.12.2019 is within time as per Rule 11-A *ibid*.

In view of above, this petition is allowed by holding that the Petitioner has approached the Respondents within the prescribed time; hence, Respondents are directed to consider the case of the petitioner for appointment in terms of Rule 11(A) of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974, if otherwise eligible in accordance with law.

J U D G E

J U D G E

Rafiq