

IN THE HIGH COURT OF SINDH KARACHI

Before :

Mr. Justice Muhammad Iqbal Kalhoro

Mr. Justice Adnan-ul-Karim Memon

Constitutional Petition No.D-528 of 2023

(Naeem v. The Inspector General of Police and 2 others)

Mr. Imtiaz Ali Solangi, advocate for the petitioner
alongwith petitioner

Mr. Abdul Jalil Zubedi, AAG Sindh alongwith DSP
Telecommunication namely ; Syed Bashir, and DSP (Legal)
namely; Raza Mian

Date of hearing

& Decision: 02.03.2023.

ORDER

Through the captioned Constitutional petition, the petitioner is seeking his appointment to the post of Wireless Operator, on the quota reserved for the deceased civil servants, in respondent- Police Department Government of Sindh, in terms of Sindh Police (Shaheed, Deceased, and Permanently Invalidated or Incapacitated Quota) Recruitment Rule 2021.

2. The grievance of the petitioner is that his father deceased Riaz-ur-Rehman was working as a Wireless Operator in the Police Department, Government of Sindh, passed away during service in 2012, and the petitioner's mother had moved an application for the appointment of her son on the deceased quota as provided under aforesaid Rules before the AIGP Karachi stating therein that the petitioner/son may be accommodated in the place of his father under the quota reserved for deceased civil servants. Per the petitioner, at the time of the death of his father, he was under minor and after attaining a majority in 2018, he applied for the post of Wireless Operator (BPS-7), but the respondent Department is reluctant to issue the offer order to him for the post applied for.

3. Mr. Imtiaz Ali Solangi, learned counsel for the petitioner, has submitted that the Respondents are discriminating the Petitioner in violation of aforesaid Rules; learned counsel further added that Petitioner is entitled to be appointed to the post applied for on the basis of deceased quota as well as on merits ; that the Petitioner has been seriously prejudiced and not treated equally, therefore, the Petitioner is entitled to be treated equally in accordance with law, as provided under Articles 4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973

; that grave injustice has been done with the Petitioner with no fault on his part by depriving him for his appointment to the post of Wireless Operator and/or any ministerial post, for which he is fit and qualified ; that due to such acts and deeds of the Respondents, the Petitioner has suffered a lot of mental torture, agonies and by such situation, the Petitioner is facing problems too ; that the denial in this regard by the Respondents amounts to invade upon and infringement of fundamental and legal rights of the Petitioner as guaranteed by the Constitution of Islamic Republic of Pakistan 1973, which are enforceable by this Court in exercise of its Constitutional jurisdiction ; that the Petitioner has been continuously approaching personally to the Competent Authority of respective department to appoint him for post applied for on the basis of deceased Quota / policy in vogue, but nothing has been done so far; that the Petitioner is aggrieved by the illegal action of the Respondents. He lastly prayed for allowing the instant Petition.

4. We put the question to the learned AAG as to why the petitioner has not been considered for the subject post against the quota reserved for deceased civil servants as he has participated in the recruitment process and qualified for the post.

5. Learned AAG admitted that the father of the petitioner had passed away in 2012, and the petitioner had applied for the post of Police Constable (BPS-5) in Sindh Police against the deceased quota, and his case was forwarded to DIGP Hyderabad range for scrutiny/authentication of claim which was received and forwarded to Sub-Committee-IV headed by DIGP/Training Sindh vide letter dated 04.11.2022 for requisite tests, thereafter the petitioner had been called by the above Sub-Committee along with others and the result of the test is still awaited from the Sub-Committee-IV which will be received in due course of time. He admitted that the petitioner qualified for the requisite tests and he will be called for an interview before the Special Provincial Recruitment Committee (SPRC) finally his case will be forwarded to the Home Department for final approval as per Sindh Police (Shaheed, Deceased, and Permanently Invalidated or Incapacitated Quota) Recruitment Rule 2021.

6. Primarily, the position of the case of the petitioner is clear on the premise that he applied for the subject post through the competitive process and was called by the recruitment committee, however, the result of the test is still awaited.

7. In such a situation, the case of the petitioner is liable to be considered and appointed in the Police Department, if he qualifies, under the law. Let the aforesaid exercise be conducted by the competent authority, within one month.

8. This petition stands disposed of in the above terms.

JUDGE

JUDGE

Nadir*