

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

C. P No. D – 815 of 2017

**Present:-
Mr. Justice Zafar Ahmed Rajput
Mr. Justice Shamsuddin Abbasi, JJ**

Hearing of cases

1. For orders on Office objection at Flag 'A'
2. For orders on CMA No.7490/2019 (151 CPC)
3. For hearing of main case

13.09.2022

Mr. Nusrat Hussain J. Memon, Advocate for the petitioner
Mr. Zulfiqar Ali Naich, Assistant Advocate General along with ASI
Riaz Ahmed

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ORDER

Through instant Constitution Petition, Petitioner Riaz Hussain Jakhar, has maintained this petition for the following reliefs;-

(a) That this Honourable Court may be pleased to declare that the act and conduct of respondent No.1 to 4 for not considering the case of petitioner for his appointment against son quota for the post of Head Constable in police department is illegal, malafide, null, void and without legal justification.

(b) To direct the respondent No.1 to 4 to immediately issue appointment order to the petitioner for the post of Head Constable in police department or any other suitable post keeping in view his qualification against son quota as his father Sher Muhammad expired during his service where he was serving as Head Constable.

(c) Any other relief, which this Honourable Court may deem fit and proper.

2. It is the case of the petitioner that his father, namely, Sher Muhammad was serving in Telecommunication Wing of police department as Head Constable bearing Belt No.1452. In the year, 1991 his father sustained bullet injury and he was paralyzed, however, he was getting his salaries. In the year, 1994 father of the petitioner was died and the petitioner was minor at the time of death of his father. On 17.04.2010, mother of the petitioner had moved an application to Inspector General of Police Sindh for appointment of the petitioner on son quota and the same was referred by RPO, Sukkur vide letter dated 31.05.2010. Time and again the petitioner approached the respondents 2 to 4 for his appointment on son quota but he was kept on hollow hopes and he is the only bread earning of his family and is jobless, hence, he and his family members are passing very difficult days, therefore, he prayed for his appointment on deceased/ Shaheed quota.

3. Comments have been filed by respondents, which reveal that father of the petitioner was appointed as Wireless Operator in Telecommunication Wing of police department on 17.06.1987 and in the year 1990 he was sent for Radio Mechanical Course at Bahawalpur Punjab. After completion of Radio Mechanical Course, he did not report for duty in his Unit for which his salaries were stopped vide order dated 15.12.1991. Later on, an incident occurred in which he got gunshot injuries and was admitted in Neurosurgical Ward of Civil Hospital Karachi and his request for leave grant was allowed. Thereafter. He was paralyzed due to fire arm injuries and remained absent from his duty. However, notice was issued to him for resumption of his duty on 25.07.1992, but he did not submit any reply to the Show cause notice, therefore, final Show Cause Notice was issued to him on 17.09.1992. In response to the final Show Cause Notice, the local police reported that Sher Muhammad had sustained firearm injuries due to matrimonial dispute between Sahita tribe, which was sustained by him in the year, 1991 and according to the police report he was completely disabled person, such inquiry was conducted by D.S.P Telecommunication, Khairpur and finally he was discharged from service on 31.12.1992. However, the final G.P Fund of Sher Muhammad was released. The claim of the petitioner for appointment on deceased quota is denied by the respondents in their comments on the ground that

the case of the petitioner does not fall within the Standing Order for appointment under *Shaheed / Deceased Quota*.

4. Heard the learned counsel for the petitioner as well as learned Assistant Advocate General and perused the material available on the record.

5. Admittedly, the father of the petitioner, namely, Sher Muhammad was serving in police department as Wireless Operator and he was sent for Radio Mechanical Course at Bahawalpur Punjab and after completing such course he did not report to the department for the reason that he had received bullet injury in a private dispute over matrimonial affairs. He remained absent from his duty from 1991 to 1992 and finally he was discharged from service due to his prolong absence from the duty vide Order No.1600 dated 31.12.1992 and he was died on 04.02.1994. The case of the petitioner does not fall within the category of *Shaheed Quota* for the reason that neither he had received firearm injury during an encounter with the criminals nor during performing his official duty but sustained firearm injury due to his personal enmity, which did not meet the criteria laid down in the Standing Order No.260/2011. It is a matter of record that service of the father of the petitioner was less than 05 (five) years. Since the claim of the petitioner is not admitted by the official respondents as his case does not come with in the standing orders/policy, therefore, the instant petition being devoid of any merits is dismissed with no order as to costs.

Judge

Judge

ARBROHI