

Order Sheet

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D - 379 of 2018

Date of hearing	Order with signature of Judge
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For directions

For hearing of CMA No.5275/2020 (C/A)

18.04.2023

Mr. Abdul Naeem Pirzada, Advocate for the petitioner.

Mr. Noor Hassan Malik, Assistant Advocate General Sindh along with SIP Mir Hashmat Ali on behalf of SSP Naushahro Feroze.

1. This petition was disposed of by this Court vide order dated 04.09.2018 in a bunch of identical petitions, wherein the petitioners sought their appointment on 'Deceased Quota', with directions that all the applications filed by the petitioners shall be considered strictly in terms of Rule 11-A of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974 (**'the Rules'**) and the latest pronouncement of Hon'ble Supreme Court in C. P. No.482-503-K of 2016, within three months with further directions that those applicants who have applied on son quota, the Department may decide on the basis of policy and in terms of Rule 11-A (*ibid*).

2. Subsequently, on 29.03.2023, Superintendent of Police, Naushahro Feroze/respondent No.4 submitted his written statement disclosing that the Inspector General of Police Sindh, Karachi issued letter No. 3614-23/EB-III/T-7/S&S dated 22.03.2019 mentioning therein that Home Department Government of Sindh vide No. SO(A)HD-V(22)/16/201 Pol cases has returned back/rejected the cases regarding appointment against deceased quota including petitioner, placed at S. No.30 with following observations/remarks:

"After scrutiny of the papers, it reveals that the deceased employee (father of petitioner) died on 12-07-2012, after his retirement on superannuation on 31-12-2011 as per his date of birth mentioned in his CNIC i.e. 1951. Therefore the proposal for recruitment of applicant/petitioner under deceased quota is not covered under Rule 11-A of Sindh Civil Servants (APT) Rules 1974, hence not recommendable."

3. It reflects from Service Book of the deceased father of the petitioner, namely, Ali Nawaz son of Muhammad Juman that his date of birth is recorded in the Service Book as 01.10.1961. The manual N.I.C. of the deceased also bears the same year of birth i.e. 1961. However, the C.N.I.C. of the deceased reflects his year of birth as 1951. It also appears from perusal of the "Obituary" issued by the then Superintendent of Police, Naushahro Feroze dated 17.07.2012 that the deceased father of the petitioner was born on 01.10.1961, he joined Police Department as Constable on 21.10.1985 and died due to natural death (illness) as reported by L.O. Police Lines, Naushahro Feroze vide his letter No. 3326 dated 12.07.2012, which fact negates the observation of Home Department, Government of Sindh that the said deceased died after his retirement on superannuation.

4. Rule 12-A of the Rules provides that "*The date of birth once recorded by a civil servant at the time of joining Government Service shall be final and no alteration thereafter shall be permissible.*" Even it does not reflect from the record that any alteration of year of birth was made in the Service Book of the deceased father of the petitioner, which till his last day of life/service bears the same year i.e. 1961. Apparently, there was a mistake in C.N.I.C. of the deceased father of the petitioner, wherein at the place of 01.10.1961, the year of birth was recorded as 1951.

5. For the foregoing facts and reasons, we direct respondent No.4 to make compliance of order dated 04.09.2018 by deciding the application of the petitioner within three (03) months hereof, as already directed.

6. The **listed application** stands **disposed of** in the above terms. Office is directed to supply copy of this order to learned Additional Advocate General Sindh for compliance.

JUDGE

JUDGE

Abdul Basit