

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Constitution Petition No. D-106 of 2019

(Yaseen Ahmed Khaki Vs. Federation of Pakistan & others)

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Before;

Adnan-ul-Karim Memon, J;
Muhammad Abdur Rahman, J;

Date of hearing and order: 14-05-2024.

Nemo for the petitioner.

Mr. Abdul Karim Janwari, Assistant A.G, Pakistan.

Adnan-ul-Karim Memon J:- The petitioner Yaseen Ahmed Khaki seeks direction to the respondent-National Industrial & Relations Commission (NIRC) to appoint him against deceased quota in terms of dicta laid down by the Supreme Court in the case of Province of Sindh Vs. Muhammad Taqi Shah (2018 SCMR 1607) policy of the National Industrial & Relations Commission (NIRC).

The grievance of the petitioner is that his father Bux Ali was serving as Assistant in respondent-National Industrial Resources Commission (NIRC), who during his service passed away on 26-11-1999 and after the death of his father, the petitioner continuously approaching the respondent-National Industrial Resources Commission (NIRC) for his appointment on deceased quota, but they are avoiding to appoint him, although the petitioner is entitled for such relief, hence this petition.

Learned Assistant Attorney General, Pakistan has opposed this petition and prayed for dismissal of the petition.

We have heard the learned Assistant Attorney General and perused the material available on record.

The respondents have failed and neglected to file comments in the matter as this lis is pending since 2019 though notice was issued to the respondents and three weeks' time was granted to them to file comments vide order dated 27-03-2019 leaving this Court with no option but to refer this matter to the competent authority of National Industrial & Relations Commission (NIRC), to look into the matter in its true perspective and take into consideration the verdict of the Supreme Court on the subject issues as well as Policy of National Industrial & Relations Commission (NIRC), if the petitioner is found eligible in all respect for appointment against the quota reserved for deceased Public Servant, he shall be considered in any suitable ministerial post by allowing him to complete all legal and codal formalities as required under the law and the relevant rule, procedure, and policy.

Let notice be issued to the Registrar National Industrial & Relations Commission (NIRC), along with a copy of this order for its compliance in letter and spirit within 30 days.

Judge

Judge

