

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**  
**Constitution Petition No. D-1717 of 2019**

*(Naseer Ahmed Muchi 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.**

Mr. Pervaiz Ali Jatoi, advocate for the petitioner.  
 Mr. Ghulam Abbas Akhtar, Legal Advisor Pakistan Railways.  
 Mr. Muhammad Aslam Jatoi, Assistant A.G, Pakistan.

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**ORDER.**

**Adnan-ul-Karim Memon J:-** The petitioner Naseer Ahmed seeks direction to the respondent- Pakistan Railways, Lahore 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 Pakistan Railways.

The grievance of the petitioner is that his father Rehmatullah Muchi was serving as Electric Muaven in respondent-Railway, who during his service passed away on 26-05-2003 and after the death of his father, the petitioner continuously approaching the respondent-Railway for his appointment on deceased quota and he also moved such application to respondent No.4 on 25-09-2019, but they are avoiding to appoint him, although the petitioner is entitled for such relief, hence this petition.

Learned Assistant Attorney General, Pakistan assisted by learned counsel for Pakistan Railway has opposed this petition and prayed for dismissal of the petition.

We have heard the parties and perused the material available on record.

Prima facie this is apathy on the part of the respondent-Pakistan Railways as this lis has been pending since 2019 and there is no progress in the matter even the respondents are not bothered to file comments; as such we are compelled to hear the learned counsel for the parties and learned AAG, Pakistan on the subject issue without further delay.

At this stage, we put the question to the learned AAG, Pakistan as to why the petitioner has not been considered for the subject post against the quota reserved for deceased Public Servant, he simply said that this is a policy matter and the Government of Pakistan has not considered his case for such appointment on any ministerial post and the same could only be filled as per recruitment Rules and not otherwise, as such, he was/is not entitled for the subject post.

The respondents have failed and neglected to look into the matter in its true perspective; therefore, this petition is liable to be disposed of with direction to the Chairman Pakistan Railways and respondents to take into consideration the verdict of the Supreme Court on the subject issues as well as Policy of Pakistan Railway, if the petitioner is found eligible in all respect for appointment against the quota reserved for deceased Public Servant, he shall be accommodated 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 Chairman Pakistan Railways, Lahore, along with a copy of this order for its compliance in letter and spirit within 30 days.

**Judge**

**Judge**

Nasim/P.A