

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**  
**Constitution Petition No. D-732 of 0 2022**  
*( Javed Hussain and another Vs. Province of Sindh & 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: 16-05-2024.**

Syed Mujahid Ali Shah, advocate for the petitioners.  
Mr. Asfandyar Kharal, Assistant Advocate General, Sindh.

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**ORDER.**

**Adnan-ul-Karim Memon J:-** The Petitioners Javed Hussain and Anop Kumar had applied for the post of NCC Guard based on a differently-abled quota and were declared successful candidates by the District Recruitment Committee (DRC) in 2021. However, in the intervening period, the post of NCC Guard was abolished by the Finance Department, Government of Sindh and since then case of the petitioners is in doldrums without progress.

2. The petitioners submit that the official Respondents may be directed to implement the order dated 14.07.2022 passed by the Supreme Court in CPLA No.745-K to 750-K, wherein the Chief Secretary Sindh had admitted that there were/are 1572 vacant posts and liable to be filled accordingly as per their qualification; that the petitioners have already been declared successful candidates and their cases have been approved by the worthy Chief Minister Sindh vide summary dated 15-07-2021 thus they are fit to be appointed on the subject post and /or any post of equivalent grade, being differently-abled persons, as such their families are facing hardships.

3. Learned AAG is of the view that the subject post has been abolished as such the petitioners cannot be accommodated until and unless the post on which they were declared successful is re-designated by the parent department or Finance department.

4. Prima-facie this is hardly a ground to non-suit the petitioners as the applications for appointment on the subject quota were invited in the year 2018 and the matter was referred to District Recruitment Committee for scrutiny and consideration; consequently DRC recommended the petitioners and sent up their cases to the Chief Minister for approval and their names also appear at Sr. No. 13 & 14 of the Summary; however, in the intervening period the subject post has been stated to be abolished and the respondents Director Colleges attempted to get the post redesigned as per Rules/Policy, but nothing has been done, which is apathy on the part of respondents as this Court vide order dated 18-01-2023 observed that the post of Chowkidar were/are available and the Director Colleges was directed to appraise the Court about such appointment; however, nothing has been done and still they are insisting on the point that the post needs to be redesigned.

5. We are not in a position to dilate upon such analogy at this stage as put forward by the learned AAG as the case of the petitioners is required to be duly considered by the competent authority of respondents in terms of the judgment of the Supreme Court and summary approved by the Chief Minister Sindh, which needs to be implemented forthwith. Consequently, the appointment letters shall be issued to the petitioners forthwith against any equivalent posts, if the post of NCC guard is abolished as they have already been declared successful candidates and their candidature has been approved by the competent authority.

6. This petition is disposed of in terms of the order dated 14.07.2022 passed by the Supreme Court in CPLA No.745-K to 750-K and summary approved by the Chief Minister Sindh on 16.7.2021.

**Judge**

**Judge**

Nasim/P.A