

**IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS**

Constitution Petition No.D-1193 of 2024
(Rahul Vs. Province of Sindh & others)

DATE ORDER WITH SIGNATURE OF JUDGE

Before
Adnan-ul-Karim Memon, J
Amjad Ali Bohio, J

Date of hearing & Order 02.09.2024

Mr. Sandeep Maheshwari, Advocate for the petitioner
Mr. Ayaz Ali Rajpar, Additional A.G Sindh a/w Dr. Muhamad
Usman D.G Health Services, Sindh, and Dr. Hemji M/S DHQ
Mirpurkhas.

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ORDER

Adnan-ul-Karim Memon, J. Petitioner Rahul has prayed for a direction to the respondent Health Department Government of Sindh for his appointment against the deceased quota on the premise that his father Soorjan was serving as a Sanitary worker, DHQ Mirpurkhas, and died during service on 23-12-2022.

2. It is the case of the petitioner that he being the son of the deceased Soorjan was/is eligible to be appointed against the deceased quota. As per the petitioner, his case was forwarded to the competent authority; however correspondence continued to take place, but nothing could be done in the intervening period, compelling him to approach this Court on 24.8.2024. Petitioner has pleaded that Rule 11-A of Civil Servants (Appointment, Promotion, and Transfer) Rules, 1974 supports his case and the respondents are bound under the law to consider his case against the deceased quota; however, due to malafide intention and ulterior motives, they have neglected to appoint him on any ministerial post. He prayed for allowing the petition.

3. Learned AAG has filed a statement along with certain documents with the narration that the case of the petitioner for his appointment on deceased quota was scrutinized and processed in terms of law and policy

and forwarded to the competent authority for approval; however, the fate of his case is still awaited at the end of the competent authority.

4. We have heard the parties present in court and perused the record with their assistance.

5. *Primna-facie*, the respondents have failed and neglected to look into the matter in its true perspective and violated the command of the Constitution and law; therefore, this petition is liable to be allowed along with the pending applications with direction to the Chief Secretary Government of Sindh and respondents to take into consideration the verdict of the Supreme Court on the subject issues as well as keeping in view the Rule 11-A of Sindh Civil Servants (Appointment, Promotion, and Transfer) Rules, 1974, where after if the petitioner is found eligible in all respect for appointment against the quota reserved for deceased Civil 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.

6. Let notice be issued to the Chief Secretary Sindh, Government of Sindh, Secretary Health Department Government of Sindh, along with a copy of this order for its compliance in letter and spirit within 30 days.

JUDGE

JUDGE