

**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**

*Constitution Petition No. D-324 of 2026.  
(Roshan Ali vs. Province of Sindh and others)*

***Before:-  
Mr. Justice Amjad Ali Bohio,  
Mr. Justice Ali Haider 'Ada'.***

**Fresh Case**

1. For orders on office objection at flag 'A'.
2. For hearing of CMA No.1179/2026 (E/A).
3. For hearing of main case.

**14.04.2026.**

Mr. Sultan Ahmed Jalbani, Advocate for the Petitioner.

**ORDER**

**Ali Haider 'Ada' J:-** The case of the petitioner is that his grandfather allegedly donated a piece of land to the Education Department in the year 1983 for construction of a primary school, subject to the condition that employment be provided to a nominee of the donor. The grievance of the petitioner is that, despite such donation, no employment particularly the post of chowkidar has been provided to him as nominee of the donor.

2. Learned counsel for the petitioner mainly contends that the petitioner has a vested right to employment on the basis of such donation, and that the department has failed to honour the condition attached thereto. He placed reliance upon the case of Muhammad Ali and another vs The State, 1983 SCMR 123 and case of Federaation of Pakistan vs Public at large PLD 1991 SC 731.

3. Heard and perused the material available on record.

4. At the very outset, it is noted that the land in question was allegedly donated in the year 1983. After an unexplained lapse of more than four decades, the petitioner, being the grandson of the donor, has approached this Court claiming employment on that basis. Such a belated claim is wholly unjustified and hit by the well-settled doctrine of *laches*, as averments, if any, cannot be enforced after such an inordinate delay. In this regard, reliance is placed upon *Jawad Mir Muhammad and others v. Haroon Mirza and others* (PLD 2007 SC 472) and *Chairman, PCSIR v. Dr. Mrs. Khalida Razi* (1995 SCMR 698).

5. Furthermore, the alleged condition of providing employment in consideration of donation of land amounts, in essence, to an agreement for exchange of public employment against consideration. Such an arrangement is clearly hit by Section 23 of the Contract Act, 1872, being opposed to public policy, as public office cannot be bartered or sold in lieu of any consideration. Therefore, no legal right can accrue to the petitioner on the basis of such an arrangement. Reliance in this respect is placed upon the authoritative judgment of the Honourable Supreme Court of Pakistan in *Hameedullah and others v. Headmistress, Government Girls School, Chokara, District Karak and others* (1997 SCMR 855), which has subsequently been affirmed in Civil Appeals No. 19-K to 50-K of 2015.

6. It is, however, clarified that the petitioner is not debarred from seeking employment through the prescribed legal process, and if he applies for any post, his case shall be processed strictly on merit in accordance with law, without any reference to the alleged donation of land.

7. Moreover, as consistently held by this Court in various judgments, including Constitutional Petitions No. D-2680 of 2010 and D-2371 of 2019, if the petitioner claims any compensation or

mesne profits on account of the alleged donation, he may avail the appropriate remedy before the competent forum, and such claim shall be decided strictly in accordance with law. As it was held in later on case that:

*6. Similarly, as already held in various decisions of this Court pronounced by the learned Division Bench, one of which being Constitutional Petition No, D-552 of 2015, that for a claim of compensation or mesne profits, the petitioner can avail the remedy provided under the law and if a jurisdiction of competent forum / authority or Court is invoked, then the cases of such persons/petitioners would be decided accordingly and strictly within the parameters of law.*

8. In view of the foregoing discussion, this petition is devoid of merits and is accordingly dismissed.

**JUDGE**

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