

IN THE HIGH COURT OF SINDH AT KARACHI

C.P No.D-7346 of 2022

(Sanaullah Manzoor v. Province of Sindh and another)

Date

Order with signature of Judge(s)

Before:

Mohammad Karim Khan Agha, J.
Adnan-ul-Karim Memon, J.

1. For orders on office objection.
2. For hearing of main case.

Date of hearing and order: 09.09.2025

Mr. Ali Asadullah Bullo, advocate for the petitioner.
Mr. Ali Safdar Depar, AAG

ORDER

Adnan-ul-Karim Memon, J. The petitioner is asking this Court to declare the approved list of selected candidates and the offer of appointment from November 3, 2022, as illegal and to set them aside. The petitioner claims these violate the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974. The petitioner also seeks an order for the respondents to consider his case for appointment on the deceased quota, using the Provincial Pool of vacant posts as per Rule 14 of the same rules.

2. The petitioner's father, an Accounts Clerk since 1988, was promoted to Sub-Accountant (BS-14) before he died in 2018. Following his death, the petitioner applied for a position under the deceased quota, as per Rule 11-A of the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974. The petitioner, who holds a Bachelor of Arts degree, was called for an interview. However, the petitioner was offered a position as a Chowkidar (BS-01) instead of a position that matched his or his father's qualifications and grade. The petitioner believes this offer was made in bad faith and constitutes discrimination, leading to this petition.

3. The petitioner's counsel argues that the respondents acted illegally and in bad faith by offering the petitioner a low-grade position (Chowkidar BS-01), despite his college education and his deceased father's Grade-14 position. The counsel claims this violates the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974, specifically Rule 14, which requires considering appointments from the provincial pool of vacant posts. The counsel asserts that the respondents' actions are discriminatory, violating Article 25 of the Constitution of Pakistan, which guarantees equal treatment. They highlight that other candidates on the approved list were given higher-grade positions that matched their parents' ranks, proving the petitioner was

unfairly singled out. The counsel concludes that the respondents' arbitrary and malicious exercise of authority is a misuse of power and a violation of the petitioner's constitutional rights under Articles 4, 18, and 25. Therefore, the counsel asks this Court to set aside the offer and allow the petition.

4. The Assistant Advocate General argued that the petitioner's case was considered for a vacant position in his home district of Khairpur, as per Rules 11-A and 16 of the APT Rules, 1974. He further contended that the Supreme Court's ruling in the *General Post Office* case reported as **2024 PLD SC 1276** declared that appointments made under the deceased quota (including Rule 11-A) are discriminatory and violate several Articles of the Constitution, as they bypass merit-based competition. While the Supreme Court's decision protected appointments already made, it did not apply to pending applications. Since the petitioner's petition/application was/is still pending at the time of the ruling, the Assistant Advocate General concluded that the petitioner is not entitled to relief based on the precedent set by the Supreme Court. He further argued that the petitioner did not accept the offer for the Chowkidar (BS-01) position within 15 days, and therefore, cannot now be allowed to accept it after seeking to have it set aside through this petition. In support of his contentions, learned Assistant Advocate General has relied upon an unreported order dated 02.9.2025 passed by the Honourable Supreme Court in C.A. Nos.113-K to 116-K of 2024 and order dated 27.5.2025 passed by this Court in Constitutional Petition No. D-897 of 2025.

5. We have heard the learned counsel for the parties and perused the record with their assistance.

6. Petitioner seeks employment in a Government department based on a deceased quota/son quota. The Supreme Court has already declared the same to be unlawful vide judgment dated 26.9.2024 in the case of *General Post Office Islamabad v. Muhammad Jalal* (**PLD 2024 SC 1276**). Besides, the petitioner failed to accept the offer for the Chowkidar (BS-01) position within the required 15 days, and therefore, cannot now seek to accept the same offer that he is trying to have set aside via this petition. This contradictory position is unacceptable at this point in time.

7. In view of the foregoing, without touching the merits of the case, this petition is dismissed.

Judge

Head of Const. Benches