

HIGH COURT OF SINDH CIRCUIT, COURT MIRPURKHAS

C.P No.D-731 of 2024

Before:

**JUSTICE ADNAN-UL-KARIM MEMON.
JUSTICE RIAZAT ALI SAHAR.**

Petitioners: 1. Ikhtiar Ahmed S/o Gul Muhammad
2. Ihadi Khan S/o Abdullah,
Through Mr. Bhooro Bheel, Advocate.

Respondents: Province of Sindh and 02 others,
Through Mr. Ayaz Ali Rajpar, A.A.G.

Date of hearing: 17.12.2025.

Date of decision: 17.12.2025.

ORDER

ADNAN-UL-KARIM MEMON, J. The petitioners, Ikhtiar Ahmed and Ihadi Khan, have filed this petition under Article 199 of the Constitution of the Islamic Republic of Pakistan and seek the following relief.

- (i)** Declare that the respondents are bound to issue posting orders to the petitioners after the petitioners were declared successful candidates in the test conducted by the Respondent No. 3, pursuant whereof the petitioners were also issued offer letters.
- (ii)** Declare that once the Petitioners completed all the requisite formalities for the posts as advertised by the respondents, and even after having been declared successful in the test in accordance with the standard fixed by the respondents, the petitioners were eligible to be issued Posting Orders against the posts applied for by the Petitioners.
- (iii)** Direct the respondents to issue posting orders to the petitioners against the posts applied for by the Petitioners, with all benefits as per rules and regulations.
- (iv)** Restrain the respondents, their agents, subordinates and /or any person claiming through or under them from giving any effect to the impugned offer letters and from carrying out any further process in this behalf.

- (iv)** Any other relief(s) fit and proper in the circumstances of this case may also be granted in the interest of justice.

Learned counsel for the petitioners submitted that the petitioners approached respondent No. 3 for an interview, pursuant to which respondent No. 3 issued a letter dated 01.02.2011 for the post of Chowkidar. After completion of all codal formalities, an offer of appointment was extended; however, no further action was taken by the respondents. Consequently, the petitioners were constrained to approach this Court. Learned counsel further placed reliance upon the order dated 19.11.2025 passed by this Court in Constitutional Petition No. D-450/2024 and submitted that the case of the petitioners is squarely covered by the ratio laid down in the aforesaid judgment. He, therefore, prayed for disposal of the present petition in terms of the order dated 19.11.2025.

When confronted with this position, learned Assistant Advocate General submitted that since the petitioners were allegedly appointed in the year 2011 and approached this Court in the year 2014, their case is hit by the doctrine of laches and is, therefore, liable to be dismissed. He further contended that the petitioners failed to submit the requisite documents within the prescribed time as required under the law, and as such, no indulgence by this Court is warranted.

Be that as it may, without touching upon the merits of the case, the matter is referred to the competent authority, which shall examine and verify the candidature of the petitioners. If their case falls within the ambit of the order dated 19.11.2025 passed by this Court, their candidature shall be considered after proper verification of documents and after affording them an opportunity of hearing. A reasoned (speaking) order shall thereafter be passed and, if justified, appointment letters shall be issued. In case the authority finds no justification to offer appointment, it shall likewise pass a speaking order assigning reasons.

The aforesaid exercise shall be completed within a period of one month.

Accordingly, the petition, along with the listed application, stands disposed of in the above terms.

JUDGE

JUDGE

Faisal