

IN THE HIGH COURT OF SINDH AT KARACHI

Before:-

Mr. Justice Nadeem Akhtar

Mr. Justice Adnan-ul-Karim Memon

C.P No.D-5844 of 2018

Naeemullah Samoo V/S Province of Sindh & 02 others.

Date of hearing
& decision: 25.02.2020

Mr. Tanveer Aftab, advocate holding brief on behalf of Mr. M.B Khatian, advocate for the petitioner.

Mr. Hakim Ali Shaikh, Additional Advocate General Sindh.

ORDER

ADNAN-UL-KARIM MEMON, J: Petitioner is seeking appointment against the quota reserved for deceased civil servants as provided under Rule 11-A of Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974, on the premise that his father was serving as High School Teacher (HST) (BS-16) at Government Middle School Abdullah Brohi, Taluka Jhando Mari, District Tando Allahyar, who passed away during service on 01.05.2008.

2. Learned Counsel for petitioner has argued that petitioner's father passed away during service on 01.05.2008; that upon his death, he filed an application before the respondents and since then no decision has been taken by the respondent-education department for his appointment on deceased quota on a suitable post as per his qualification and eligibility. In support of his contention, he heavily relied upon Rule 10-A and Rule 11-A of Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974 and argued that petitioner is entitled to be considered for any suitable post in accordance with law.

3. Learned A.A.G. has submitted that the case of petitioner for appointment on quota reserved for deceased employees may be referred to the competent authority of Government of Sindh for consideration in the light of Rule 11-A of Sindh Civil Servant (Appointment Promotion and Transfer) Rules, 1974, subject to exception made therein.

4. Prima-facie, the plea of learned A.A.G. is tenable in the light of latest verdict of Honorable Supreme Court given on 10.08.2016 in C.P. No. 482-503-K of 2016. Accordingly, the instant petition is disposed of in the following terms:

- i. Petitioner shall submit his application along with supporting material / documents to the Chief Secretary, Government of Sindh, through any recognized courier service on or before 28.02.2020, for scrutiny and consideration and decision through a speaking order on or before 28.03.2020 strictly in accordance with law and the prescribed rules, procedure and policy, and after providing opportunity of hearing to the petitioner.
- ii. Offer letter shall be issued to the petitioner if his case for appointment on deceased quota is approved by the Chief Secretary/competent authority where after petitioner shall complete all legal and codal formalities required under the law and the relevant rule, procedure and policy.
- iii. If the petitioner's case is not approved by the competent authority, he may seek his remedy, if any, before the competent forum in accordance with law.
- iv. Compliance report in the above terms shall be filed by the Chief Secretary, Government of Sindh, through learned A.A.G. with the M.I.T-II of this Court.

Let notice be issued to the Chief Secretary Sindh and Secretary Education and Literacy Department, Government of Sindh, along with a copy of this order for its compliance in letter and spirit.

By consent, this petition is disposed of in the above terms with no order as to costs.

JUDGE

JUDGE