

Order Sheet
IN THE HIGH COURT OF SINDH KARACHI

Before:

Mr. Justice Muhammad Shafi Siddiqui
Mr. Justice Adnan-ul-Karim Memon

Constitutional Petition No. D –6238 of 2020

Huzaifa Hanif

Versus

Province of Sindh and 03 others

Date of hearing &
Decision : 22.02.2021

M/S Sikander Zulqarnain and Manzar Bashir Memon, advocates for the petitioner.

Mr. Ali Safdar Depar, AAG.

ORDER

ADNAN-UL-KARIM MEMON, J. – Through the captioned Constitutional petition, the petitioner is seeking an appointment on the ministerial post on deceased quota in respondent- Public Health Engineering Department, Government of Sindh, in terms of Rule 11-A of Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974.

2. Petitioner, whose father passed away during service, applied for the post of Junior Clerk in response to the advertisement dated 24.12.2016 published by the respondents. As per the eligibility criteria mentioned in the said advertisement, only the legal heirs of civil servants who expired during service in the Government of Sindh were eligible to apply. The petitioner is aggrieved by the letter dated 06.10.2020 whereby his application for appointment in deceased quota has been rejected on the ground that it was barred by time. It is urged that the above-ground was completely misconceived as the petitioner has attained the age of majority in the year 2018.

3. We put the question to the learned AAG as to why the petitioner has been non-suited against the quota reserved for deceased civil servants vide letter dated 06.02.2020. He replied that his father had passed away in the year 2004 and he was aged about 05 years; and, since other legal heirs could not apply within the stipulated time, his case was not processed further for his appointment against the deceased quota. We do not agree with the contention of learned AAG on the aforesaid proposition as Rule 11-A as discussed supra, there exists provision to appoint a son/daughter of a deceased civil servant of Government of Sindh.

4. This being the legal position of the case. This petition is, therefore, allowed along with the pending application(s) with direction to the Chief Secretary, Government of Sindh, and respondents to reconsider the case of petitioner afresh for appointment against a post reserved for deceased employees in terms of Rule 11A of Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974. The aforesaid exercise shall be undertaken by them within one month from the date of receipt of this order.

J U D G E

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