

Order Sheet  
**IN THE HIGH COURT OF SINDH,**  
CIRCUIT COURT, HYDERABAD

CP. No. D- 1588 of 2019

Mst. Riffat Bano v. Province of Sindh & others

**BEFORE :**

Mr. Justice Muhammad Iqbal Kalhoro  
Mr. Justice Adnan-ul-Karim Memon

Petitioner: Riffat Bano through  
Mr. MB & Nouman Sahito, Advocate

Respondents : Province of Sindh and others through Mr.  
Allah Bachayo Soomro, Addl.A.G.

Date of hearing  
& decision: 28.10.2021

**O R D E R**

**ADNAN-UL-KARIM MEMON, J:-** Through instant petition, the petitioner has mainly prayed for appointment of her son on the quota reserved for deceased civil servants. Per petitioner, during service, her husband fell ill and could not continue his service and got retirement on medical ground and subsequently died.

2. Perusal of record reveals that this petition was disposed of vide order dated 13.11.2019. An excerpt of the order is as under:-

“Petitioners in these petitions are seeking appointment in Government Service on Deceased Employee Quota in terms of Rule 11-A of Sindh Civil Servant (Appointment Promotion and Transfer) Rules, 1974. Initially, the learned A.A.G. opposed these petitions on the ground that there is a cutoff date provided in the aforesaid rules for applying under the above quota and the petitioners had applied after the cutoff date will not be eligible to be considered for appointment under the deceased quota. However, finally, he has consented for disposal of the same with the assertion that his consent is subject to all just exceptions more particularly in the light of Rule 11-A of Sindh Civil Servant (Appointment Promotion and Transfer) Rules, 1974. Since the facts are common, hence all the above numbered petitions are being disposed by this common order.

In our view, Rule 11-A of Sindh Civil Servant (Appointment Promotion and Transfer) Rules, 1974 is very clear in its terms. The Honorable Supreme Court of Pakistan in C. P. No. 482-K & 503-K of 2016 vide order dated 10.08.2016 has held that the clog of two years for making application for employment under deceased quota for the

children who have already applied for employment prior to making of this rule, was done away. In the light of the judgment passed by the Honourable Supreme Court and with the consent of the parties, who are present in Court, these petitions are disposed of in the following terms:

- I. Petitioners shall submit their respective applications along with supporting material/documents to the Chief Secretary, Government of Sindh, through any recognized courier service on or before 25.11.2019, for scrutiny and consideration and decision through a speaking order on or before 31.01.2020 strictly in accordance with law and the prescribed rules, procedure and policy, and after providing the opportunity of hearing to the petitioners.
- II. Offer letters shall be issued only to those petitioners who are approved by the Chief Secretary/competent authority where after such petitioners shall complete all legal and codal formalities required under the law and the relevant rule, procedure and policy.
- III. Petitioners who are not approved by the competent authority may seek their 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 Additional Registrar of this Court latest by 15.02.2020.

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

3. After passing of the above order, the respondent-Chief Secretary Sindh has submitted the compliance report whereby he considered the case of the petitioner vide order dated 23<sup>rd</sup> August 2021 and rejected the claim of the petitioner. An excerpt of the same is as under:-

“ No:SO(SR-II)SGA&CD/1-119-2021: Whereas, the Honourable High Court of Sindh, Circuit Court Hyderabad, passed the order dated 13-11-2019 in CP No. D-1588/2019 filed by Mst. Riffat Bano Wd/o Abdul Rahim Pandhiani, Ex-Information Officer (BS-17), Information Department, directed inter alia As under:-

Petitioners shall submit their respective applications along with supporting material / documents to the Chief Secretary, Government of Sindh, through any recognized courier service on or before 25.11.2019, for scrutiny and consideration and decision through a speaking order on or before 31.01.2020 strictly in accordance with law and the prescribed rules, procedure and policy, and after providing opportunity of hearing to the petitioners.

**WHEREAS**, Mr. Bilal S/o late Abdul Rahim Pandhiani submitted his application dated 19.06.2017 in Information Department and subsequently the applicant was given personal hearing on 11.08.2021 at 10:00 a.m. During the personal hearing the petitioner/ applicant informed that her husband was retired from

Govt. Service on invalidation on 11-12-1997 from Information Department and passed away on 21.11.2010, therefore her son may be appointed on deceased quota.

**WHEREAS**, the case of the applicant does not fall under timeline with regard to eligibility criteria / policy for appointment against deceased quota mentioned in the corrigendum dated 29.12.2016 issued by Services, General Administration and Coordination Department. Whereas, the father of the applicant retired on the basis of invalidation on 11.12.1997, and the policy regarding appointment of Deceased Quota was notified on 2<sup>nd</sup> September 2002 almost after five (05) years and subsequently the father of applicant expired on 21.11.2010.

**NOW THEREFORE**, I, Mumtaz Ali Shah, Chief Secretary Sindh / Competent Authority, after hearing the applicant as well as the viewpoint of the Department, hereby reject the request of the applicant / petitioner for his appointment against deceased quota being not covered under the existing policy.

4. In view of the above, we are of the considered view that contempt application is not maintainable, as the compliance has been made vide decision dated 23<sup>rd</sup> August 2021, hence, same is dismissed. However, the petitioner would be at liberty to file a petition, if she has a fresh cause of action.

JUDGE

JUDGE