

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

C.P No. D- 3123 of 2018

**Present:-  
Mr. Justice Nadeem Akhtar  
Mr. Justice Adnan-ul-Karim Memon**

Date of hearing: 13.11.2019  
& decision: 13.11.2019

Petitioner: Rubina Bano and others through Mr. Razia Ali Zaman, Advocate.

Respondent No.5: Present in person

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

**ORDER**

**ADNAN-UL-KARIM MEMON, J:** - Through instant petition, the petitioners are seeking direction to Respondents to appoint them as Junior Clerk or on any other suitable post as per their qualification, on deceased quota, in terms of Rule 11-A of Sindh Civil Servant (Appointment Promotion and Transfer) Rules, 1974.

2. Their case is that, fortunately they all were considered for the post of Junior Clerk vide recommendation letter dated 7.3.2018, later on they were not appointed due to non-availability of vacancy, they being aggrieved by and dissatisfied with non-adherence of their recommendations on the aforesaid posts, they have filed the instant petition on 10.11.2018.

3. We have heard the parties and perused the material on record.

4. Learned A.A.G has taken the stance that, though they were duly recommended for the post of junior clerk but their candidature was rejected on the ground that there is/was no vacancy. In our view this is hardly a ground to non-suit the petitioners. Since they had already been recommended for appointment against quota reserved in the light of Rule 11-A of Sindh Civil Servant (Appointment Promotion and Transfer) Rules, 1974 vide letter dated 7.3.2018 the Respondent-department are required to recruit them on the basis of deceased quota by issuing appointment orders.

5. In our view public employment is a source of livelihood; therefore, no citizen shall be discriminated in the said matter on the grounds as provided under Article 27 of the Constitution. The Government is bound to make

certain quota in appointments or posts in favour of any backward class of citizen which in the opinion of the Government is not adequately represented in the services under the State. That's why Rule 11-A of Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974 as amended up-to-date is introduced to cater that situation to accommodate the children of deceased civil servants. Resultantly, we do not find any impediment in allowing the instant petition on the aforesaid analogy.

6. In the light of above facts and circumstances of the case, the instant Petition is hereby disposed of in the terms, whereby the Chief Secretary to Government of Sindh is directed to consider the case of the Petitioners for their appointment as Junior Clerk as recommended earlier vide letter dated 7.3.2018 on the basis of Rule 11-A of Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974, subject to their qualification for the post in accordance with the dicta laid down by the Honorable Supreme Court of Pakistan in C.P. No. 482-K & 503-K of 2016 vide order dated 10.08.2016 within a period of two months from the date of receipt of this order.

Let a copy of this order be communicated to the Respondents for information and compliance.

JUDGE

JUDGE

Karar\_hussain/PS\*