

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Constitutional Petition Nos. D – 8056/2017, 2080/2018,
3376/2018 and 1830/2020

Order with signature of Judge(s)

Constitutional Petition No. D – 8056/2017

For hearing of CMA No.20258/2021 (Contempt)

Constitutional Petition No. D – 3376/2018

1. For order on Misc. No.26299/2021 (Urgency)
2. For order on Misc. No.26300/2021 (Contempt)

15.10.2021

Mr. Mansoor Ali Panhwar, advocate for the petitioners

Mr. Ali Safdar Depar, AAG

Syed Hussain Shah, AAG

Mr. Liaquat Ali Abro, Law Officer, Law Department, Government of Sindh

Mr. Farman Ali Tanwri, Deputy Director / Focal Person, Department of Empowerment of Persons with Disabilities

Mr. Sikandar Hassan, Deputy Secretary (Legal) Finance Department, Government of Sindh

Mr. Hafeezullah Khan, Focal Person, Board of Revenue

Mr. Nisar Solangi, Director (Admn.) Social Welfare Department, Government of Sindh

Mr. Tahir Mahmood, Director Planning & Monitoring Cell, Welfare Department, Government of Sindh

Mr. Abdul Jabbar Shahani, Focal Person, School Education & Literacy Department, Government of Sindh

Mr. Zulfiqar Ali, Focal Person (Legal Matters), Agriculture Department, Government of Sindh

Mr. A.W. Mari, Section Officer (G) Focal Person Works & Services Department, Government of Sindh

Mr. Zahid Abbas Akhund, Director Culture, Tourism, Antiquities Archives Department, Government of Sindh

Urgency granted.

Admittedly Focal Persons of the Department of Empowerment of Person with Disabilities present contends that they have filled 700 posts on differently abled persons quota as reserved, however, around 3926 posts are yet vacant and to be filled. Admittedly, petitioners applied in different departments after advertisement, but they were not considered, therefore, they filed petitions before this Court and petitions were disposed of by order dated 27.2.2020 wherein Chief Secretary Sindh was directed to submit a comprehensive report and consider the case of the petitioners individually. Focal Person contends that DRC is the competent authority and DRC(s) considered the cases of the petitioners, however, failed to qualify the same except 191 petitioners. It has further come on record that yet the concerned department has not framed policy / criterion of differently abled person and their recruitment by different DRC(s) on different posts, hence Chief Secretary Sindh shall constitute a committee comprising of the Additional Secretary SGA&CD and the officers of the Differently abled Persons Department

and other relevant / well acquainted officers, they shall chalk out the mechanism with regard to appointment on differently abled persons quota in light of the judgment passed by the apex Court in the case of Malik Ubaidullah v. Government of Punjab [Civil Petition No.140-L of 2015]. That mechanism shall be prepared within one month.

Needless to mention that cases of the petitioners shall be reexamined in view of their policy / criterion as framed by them and shall also assign the reasons for every petitioner if DRC(s) are of the view that those petitioners are not entitled for the relevant post. At this juncture, it is pertinent to mention that this order shall be applied for the petitioners and not as a rem; however, criterion shall be applicable for all differently abled persons for future vacancies. Needless to mention that age limit shall not come in the way of the petitioners if they have crossed maximum limit of fifteen years i.e. 43 years and that shall be considered up to 47 years as the petitions are pending since 2017. This exercise shall be completed within three (03) months. Contempt applications stand disposed of.

JUDGE

JUDGE

Zahid/*