

Order Sheet
IN THE HIGH COURT OF SINDH KARACHI

Before:

Mr. Justice Aftab Ahmed Gorar

Mr. Justice Adnan-ul-Karim Memon

Constitutional Petition No. D –7321 of 2019

Ali Hyder

Versus

Province of Sindh and another

Constitutional Petition No. D –5475 of 2021

Yasir Ali

Versus

Province of Sindh and another

Date of hearing &
Decision : 22.02.2022

Mr. Muzafar Ali Dehraj, advocate for the petitioners
Mr. Ali Safdar Depar, AAG.

ORDER

Through the captioned Constitutional petitions, the petitioners are 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 in CP No.D-7321/2019 was working as Mistri in Public Health Engineering Department, passed away during service in 2016, applied for the post of Junior Clerk in the place of his father under the quota reserved for deceased civil servants, however, the respondent Law Department declined the request of the petitioner on the premise that the applicant did not apply within the stipulated period of two years after the death of his father.

3. Petitioner in CP No.D-5475/2021 also applied for the post of Beldar against the quota reserved for deceased civil servants as his father passed away during service on 19.10.2011, however, his candidature has been declined on the same analogy vide letter dated 6.7.2021.

4. We put the question to the learned AAG as to why the petitioners have been non-suited against the quota reserved for deceased civil servants vide letters dated 18.12.2019 and 6.7.2021. He replied that their fathers had passed away in the year 2011 and 2016 and they did not apply within two years from the death of their father.

5. We do not agree with the contention of learned AAG on the aforesaid proposition as Rule 11-A as discussed supra, is clear in its terms, needs no further deliberation.

6. This being the legal position of the case. These petitions are, therefore, allowed along with the pending application(s) with direction to the Chief Secretary, Government of Sindh, and respondents to appoint the petitioners 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 15 days from the date of receipt of this order.

JUDGE

JUDGE

Nadir*