

ORDER SHEET
**HIGH COURT OF SINDH CIRCUIT COURT,
HYDERABAD**

**C.Ps No.D-909, 1308, 1312, 1419, 1420, 1421, 1422, 1431, 1468,
1470, 1502, 1503, 1504, 1505 & 1506 of 2022**

Before:-

Mr. Justice Muhammad Shafi Siddiqui
Mr. Justice Irshad Ali Shah

Date of hearing & Order:

13.04.2022

M/s Manzoor Ali Panhwar, Abdul Hassan Noondani, Muhammad Saleem Laghari, Nasrullah A. Khaskheli, Muhammad Aslam Khan, Mahesh Kumar Bheel, Muzafar Hussain Brohi, Sardar Hussain, Raja Mohiuddin Panhwar, Altaf Sachal Awan, Wishan Das Kolhi & Roshan Azeem Mallah, advocates for petitioners

ORDER

MUHAMMAD SHAFI SIDDIQUI, J:- This bunch of petitions involves a common question with regard to applicability of laches since the cause to these petitioners accrued in the year 2013 when the recruitment was denied. On 29.03.2022, we heard a bunch of petitions, leading being No.D-868 of 2022 and others involving a common question and the following order was passed:

“2. This process of recruitment was triggered in the year 2013 and petitioners claimed to be a part of that process; however, the recruitment was denied. They have now filed these petitions after almost nine years that their rights were ignored; and that they should have been appointed in the recruitment process that was initiated in the year 2013. Learned counsels for the petitioners submit that they would be satisfied, if the petitioners be directed to surrender before the Grievance Redressal Committee, as ordered by different Benches. They have relied upon an order of a Division Bench of this Court dated 16.02.2022, passed in C.P No.D-290 of 2022, attached as annexure-B.

3. We have heard the learned counsels and perused the record. At the very outset, we are of the view that the petitioners’ grievance, if any, was triggered in the year 2013, when the alleged recruitment was denied. They could have initiated legal proceedings for the denied relief, but they failed. They have now moved these petitions after almost nine years and apparently the petitions suffer from laches. The reliance on the order dated 16.02.2022 cannot be made, as the issue of laches was not conclusively decided therein. For the legal question under consideration, the referred judgment cannot be relied upon.

Petitioners may have outstanding credentials or they may be successful in all written examinations, as alleged, with outstanding numbers, but such alone would not overcome the point of laches, as involved in these petitions. None of the Benches, whose orders have been cited, have addressed this point, therefore, we are of the view that since the point of laches has not been decided conclusively, those orders would not bind this Bench to follow similar view in view of the point under consideration. There is no such order of equal Bench of this Court, which has addressed on the issue of laches and then ordered for appearance before Redressal Committee. Since the question of laches was never discussed in detail in any of the cited orders, we are of the view that these petitions suffer from laches and hence same are accordingly dismissed alongwith listed application(s).

2. Similarly Division Bench at Sukkur also decided the same issue in C.P No.D-179 of 2022 on 01.03.2022 in the following terms:

“2-4. Through this Petition, the Petitioners seek appointment as School Teachers (PST & JST) with Respondents pursuant to some advertisement and recruitment exercise carried out in the year 2013. It is the case of the Petitioners that they had qualified in the written test and interview, but no appointment orders were issued; hence, instant petition.

We have confronted the Petitioners’ Counsel as to involvement of laches in this matter and in response, he submits that on similar facts, certain orders have been passed by Circuit Court, Hyderabad in various petitions as stated in para-6 of the Petition. However, we are not inclined to consider the case of the Petitioners, as apparently laches is involved and no justifiable case has been made out in this regard; except reliance on the said orders. Nonetheless we have also perused one such order dated 26.01.2022 in CP No.D-1416 of 2020, and are of the considered view that it is not a binding precedent insofar as laches are concerned as the same has not been adjudicated or decided by the said Court at all; hence, any reliance on it is misconceived. Moreover it is a disposal order with certain directions and not a judgment to follow by itself.

*Accordingly, this Petition being hit by laches is not maintainable and the same stands **dismissed in limine** with pending applications.”*

3. Now since similar question is involved in these petitions we cannot take a different view and accordingly these petitions are dismissed alongwith listed applications on the same count.

JUDGE

JUDGE