

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

C.P No.D-458 of 2022

C.Ps No.D-530, 573, 575, 576, 577, 578, 586 & 587 of 2022

C.Ps No.D-652, 653, 654, 667, 675, 678 & 681 of 2022

**C.Ps No.D-713, 732, 736, 751, 760, 763, 767, 769, 771, 774, 776,
778, 779, 781, 782, 789, 790 & 798 of 2022**

**C.Ps No.D-801, 802, 803, 807, 808, 811, 812, 813, 817, 819, 820,
823, 829, 831, 833, 834, 836, 843, 844, 846, 848, 852, 853, 855, 856,
858, 860, 862, 863, 872, 883, 884, 885, 887, 891, 892, 893, 894, 895
& 897 of 2022**

C.Ps No.D-918 & 959 of 2022

C.Ps No.D-1013, 1053 & 1059 of 2022

Before:-

Mr. Justice Muhammad Shafi Siddiqui

Mr. Justice Irshad Ali Shah

Date of hearing & Order:

30.03.2022

Mr. Kirshan Kumar, Bheel, advocate for petitioner(s)
in C.P No.D-458 of 2022

M/s Sahib Khan Panhwar, Tahreem Jawahry, Zohaib
Hassan Pahore, Junaid Jabbar Belai, advocates for
petitioners in C.Ps No.D-530, 573, 575, 576, 577, 578,
586 & 587 of 2022

M/s Abul Hassan Noondani, Bhooro Bheel, Irfan Ali
Bughio, Mushtaque Ahmed Abro, Nasrullah A.
Khaskheli, advocates in C.Ps No.D-652, 653, 654,
667, 675, 678 & 681 of 2022

M/s Muhammad Umer Panhwar, Wishan Das Kolhi,
Altaf Sachal Awan, Zulfiqar Ali Chandio, Niaz Ali
Jatoi, Irfan Ali Bughio, Agha Waqar Ahmed, Raja
Mohiuddin Panhwar, Yasir Hussain Malik, Badaruddin
Khosro, Ghulam Sarwar Vako, Mufeed Ahmed Narejo,
Barrister Akhtar Hussain Sheikh, Mir Murtaza Abro,
Saiqa Ansari, Bilawal Bajeer, Azhar Hussain Solangi
& Ayaz Khaskheli, advocates for petitioners in C.Ps
No.D-713, 732, 736, 751, 760, 763, 767, 769, 771,
774, 776, 778, 779, 781, 782, 789, 790 & 798 of 2022

M/s Irfan Ali Bughio, Abdul Hafeez Dodani, Zohaib
Ahmed Mastoi, Muhammad Hassan Chang, Imtiaz Ali
Chaniho, Irshad Ahmed Channa, Qadir Bux Ghirano,

Khadim Hussain Laghari, Wali Muhammad Khoso, Nasrullah A. Khaskheli, Amjad Hussain Shar, Aijaz Hussain Jatoi, Ali Gul Abbasi, Kirshan Kumar Bheel, Nasim Abbasi, Sohail Ahmed Jiskani, Muhammad Zahid Chohan, Preetpal Singh Sodho, Muntazir Mehdi Laghari, Zahid Hussain Laghari, Hatim Ali Soomro, Noor Nabi Samoo, Mashooque Ali Mahar, Amanullah Bughio, Noor Ahmed, Kanji Mal Meghwar, Kamran Bashir Chandio, Bhagchang Bheel, Mehtab Munir Nirban Akhtar Ali Abro, Muhammad Rahim Gajju, Aijaz Ahmed Chandio, Faisal Ali Raza Bhatti, Gul Zaman Brohi, Ghulam Shabbir Mari, Mehboob Ali Solangi, advocates for petitioners in C.Ps No.D-801, 802, 803, 807, 808, 811, 812, 813, 817, 819, 820, 823, 829, 831, 833, 834, 836, 843, 844, 846, 848, 852, 853, 855, 856, 858, 860, 862, 863, 872, 883, 884, 885, 887, 891, 892, 893, 894, 895, 897 of 2022

M/s Muhammad Nooruddin Bhatti, Mola Bux Ayoub Laghari, advocates for petitioners in C.Ps No.D-918 of 2022

M/s Akhtar Hussain Laghari, Abdul Khaliq Laghari, Samiullah Rind, advocates for petitioners in C.Ps No.D-1013, 1053, 1059 of 2022

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. 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