

IN THE HIGH COURT OF SINDH, KARACHI
C. P. No. D-2787 of 2014

Date Order with signature of Judge

Present: Mr. Justice Muhammad Junaid Ghaffar
Mr. Justice Agha Faisal

Petitioner: Muhammad Shahzad,
Through Mr. Muhammad Zulfiqar,
Advocate.

Respondent s: Karachi Water & Sewerage Board
& others Through Mr. Waleed
Khanzada, Advocate.

- 1) For order on CMA No. 13355/14. (Exp)
- 2) For hearing of CMA o. 25693/17 (U/O 39)
- 3) For hearing of main case.

Date of hearing: 30.11.2022.
Date of Order: 30.11.2022.

ORDER

Muhammad Junaid Ghaffar, J: Through this Petition, the Petitioner seeks appointment under the category of "Son Quota" and learned Counsel for the Petitioner submits that father of the Petitioner was an employee of the Respondent No.1, and stood retired on 31.08.2006, whereas, pursuant to an understanding and agreement between C.B.A of Respondent, the Petitioner seeks appointment under "Son Quota". In support he has also referred to Order dated 20.10.2016 passed in C.P No. D- 3793/2015 by this Court.

2. On the other hand, learned Counsel for the Respondents submits that there is no Policy of the Respondent to give employment under any "Son Quota". Whereas, a learned Division Bench of this Court vide Order dated 18.11.2011 passed in C.P No.D-411 of 2012 (*Najaf Ali Shah v Province of Sindh*) and other connected matters has been pleased to hold that there is no such category of employment under "Son Quota".

3. We have heard the learned Counsel for the Petitioner as well as Respondent and have perused the record. Admittedly, the Rules of employment of the present Respondent do not have any category of employment under "Son Quota". Though the Petitioner is not a Civil Servant, however, even under the Sindh Civil Servants Act, 1973, and the Rules thereof, there is only one provision of employment and i.e. under "Deceased Quota" and not under any Son Quota. Time and again various

departments, on their own, had initiated such policy; however, since the same was without any backing of law, it was not approved by the Courts in its various judgments. As to the argument that some other persons have been appointed in this category, it would suffice to say that in absence of any law this alone is not a valid ground. A bench of this court In C.P No.D-4452 of 2013 (*Mir Hassan Versus The Province of Sindh & 03 others*) vide order dated 06.04.2021 has been pleased to hold as follows;

12. Reverting to the moot point raised by the learned Counsel for the Petitioner that the respondents have issued various appointment orders based on Son quota and the case of the petitioner is akin to the other candidates who were already appointed on Son Quota basis. We do not agree with him for the simple reason that there is no concept of Son Quota under Service Jurisprudence, thus the appointments, if any, made by the Police department against the Son Quota could be looked into in other appropriate proceedings if brought before this Court, which shall be decided on its merit. It is an admitted position that Standing Orders have not been approved by the Provincial Government. Therefore, no sanctity can be attached with such Standing Orders to claim benefit. We are not impressed by the contention of learned counsel for the Petitioner at all on the aforesaid proposition for the reason that aforesaid legal position explicitly shows that there is the concept of deceased quota subject to all just exception and not son quota, since petitioner has applied against the son quota in the police department which under the aforesaid provision cannot be done so. 13. Adverting to the contention of the Petitioner about the order dated 26.5.2016 passed by this Court in C.P No.D-170/2015, suffice it to say that in the recent judgment of the Hon'ble Supreme Court in the case of Gul Hassan Jatui supra all the standing orders issued by the IGP Sindh without the approval of the Government are not under the law, thus, the Petitioner cannot take resort of the order passed by this Court in presence of the Judgment of Hon'ble Supreme Court. 14. In the light of the above discussion, it is crystal clear that Police Department cannot circumvent the law to make recruitment to the posts based on Son/ quota by issuing Standing Orders. The appointment in Sindh Police can only be made through a competitive process on merit as provided under the recruitment rules and not otherwise. 15. In view of what has been discussed above, the instant Constitutional Petition is dismissed along with the pending application(s).

4. Similar view has been expressed in the case cited by the learned Counsel for Respondents. In view of hereinabove facts and circumstances of this case, the Petition does not merit any consideration; hence the same is dismissed with pending applications.

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