

ORDER SHEET

THE HIGH COURT OF SINDH BENCH AT SUKKUR

Present
Mr. Justice Ahmed Ali M. Shaikh &
Mr. Justice Salahuddin Panwar

C.P.No.D-2670 of 2010

For Katcha Peshi

Date of hearing: 28.08.2012

Mr. Hadi Bux Bhatt for the petitioners.
Mr. Liaqat Ali Shar, Additional Advocate General along with Shahid Hussain Chijjan, Superintendent, Central Prison, Sukkur on behalf of DIG (Prisons) Sindh, Sukkur.

ORDER

AHMED ALI M. SHAIKH, J. Grievance of the petitioners is that they applied for O.G. Warder on son quota/shaheed quota and qualified the test held by a Committee headed by DIG (Prisons), Sukkur Region, Sukkur and were selected for the said post but till date they have been deprived of their appointment orders.

Respondents have filed their comments. In their respective comments it is admitted by respondent No.2 that region-wise committees under the chairmanship of DIG (Prisons) were constituted to examine the candidates for the post of O. G. Warder. Such committees submitted their reports/recommendations which were received and candidates found better comparatively to the petitioners were offered appointment orders but in his comments the respondent No.2 did not explain as to how other persons were better than the present petitioners. The DIG (Prisons), respondent No.2, in his comments did not deny the facts of the petition, however, in his comments in para No.5, he has admitted that all the petitioners were appeared before the Selection Committee and they were selected against the post of O. G. Warder and their list was sent to I.G (Prisons) Sindh Karachi on 15.12.2009 for approval but till date no approval for appointment has been received. In his comments, the

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respondent No.2 has submitted the list of candidates who appeared before the Committee and were selected.

A perusal of the list reveals that names of the petitioners found place in that list and in remarks word "selected" has been mentioned.

Learned Counsel for petitioner has contended that though the petitioners were selected in 2009 but till date they could not get their appointment orders as the official respondents have accommodated their blue-eyed boys. He further referred the list submitted by the official respondents which reveals that from 04.12.2009 to 05.07.2011, 546 persons have been appointed as O. G. Warder, matron and sanitary workers etc. However, the respondents did not place on record to show that those appointments were made on the recommendation of selection committee.

Conversely, Mr. Liaqat Ali Shar, learned Additional Advocate General contended that no appointment order could be issued in favour of the petitioners without the approval of respondent No.2, I.G. (Prisons) Sindh, therefore, petitioners could not get their appointment orders. He further contended that since the concerned officials have not received approval from the competent authority, therefore, petitioners cannot agitate their grievance through these proceedings.

We have heard learned counsel for the parties and perused the record.

Since the selection of the petitioners is not denied by the respondents and submission advanced by the learned Additional Advocate General is that in absence of formal approval from the competent authority i.e. I.G. (Prisons), respondents cannot issue appointment orders. At this juncture, learned Counsel for petitioner has referred to the list of appointments made from 04.12.2009 to 05.07.2011, perusal of the same would reflect that during said period 546 persons have been appointed in Prisons Department and almost

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540 have been appointed as O. G. Warder. On query Shahid Hussain Chijjan, Superintendent, Central Prison, Sukkur who appeared on behalf of DIG (Prisons) Sindh, Sukkur, very frankly stated that he could not place on record the formal approval letter issued by LG (Prisons) Sindh. Since there is no denial from any quarter with regard to the selection of the present petitioners and perusal of list available on record indicates that since 2009 more than 550 person have been appointed as O. G. Warder.

In view of above, we allow this petition and direct the respondents to issue appointment orders to the petitioners within fifteen days under compliance report. These are the reasons of our short order dated 28.8.2012 passed in the Court.



JUDGE



JUDGE

N.M.