

IN THE HIGH COURT OF SINDH, SUKKUR BENCH, SUKKUR

Const. Petition No.D-985 of 2013
(Saeed Ahmed & others v. P.O. Sindh & others)

Const. Petition No.D-557 of 2015
(Nisar Ahmed Lakhair & another v. P.O. Sindh & others)

Present:-

**Mr. Justice Muhammad Iqbal Kalhoro &
Mr. Justice Arbab Ali Hakro**

M/s Nisar Ahmed Bhanbhro and Sheeraz Fazal, Advocates for petitioners in C.P.No.D-985 of 2013.

None present for the petitioners in C.P.No.D-557/2015.

M/s Mujeeb Rehman and Najamuddin Dharejo, Special Prosecutors, NAB, Sukkur.

Mr. Zulfiqar Ali Naich, Assistant A.G-Sindh.

Date of Hearing & Order: **18-01-2024**

ORDER

MUHAMMAD IQBAL KALHORO, J:- Petitioners had applied for the posts of Assistant/Head Clerk and Food Supervisor respectively in the Food Department, Government of Sindh and were declared qualified, but were not appointed, instead appointment orders were given to the persons who had not applied for any post. It is also prayed that appointment orders given to the respondents No.5 to 9 in C.P.No.D-985 of 2013 be declared as illegal and void *ab initio*, as they were appointed without declaration of test/interview's result, issuance of merit-list etc.

2. It appears that on identical facts in C.P.No.D-56 of 2016, we have passed an order dated 29.11.2023 dismissing the petition with following observations:

"2. After notice to other side, comments were filed and keeping in view the sensitivity of issue, the NAB was directed to probe the issue. The NAB after preliminary enquiry has filed final report stating that in the investigation against Talib Hussain Magsi, ex-Director Food Sindh, officers/officials of Regional Directorate of Food Department, Sukkur and others, it has transpired that total 173 candidates were selected against 84 advertised posts in Sukkur Food Region and out of them, 113 candidates did not apply initially and without submission of application forms in initial phase, they were offered job in various

cadres, whereas domicile certificates of 04 candidates were found fake.

3. In view of such conclusion by NAB, we **dispose of** the petition along with all pending applications and direct the NAB authorities to take action against those found responsible for appointing fake persons who had not applied and file Reference against all responsible. The Secretary, Food Department, Government of Sindh is directed to take action against the illegal appointees in accordance with law. This exercise shall be done in three months and compliance report be filed for a perusal in chamber”.

3. Since identical facts are involved, therefore, these petitions are also **disposed of** with the reasons as above, which shall be read to be applicable mutatis mutandis in these petitions as well.

JUDGE

JUDGE

Ahmad