

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT
HYDERABAD

C.P. No. D-1543 of 2013

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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P r e s e n t:

Mr. Justice Khadim Hussain Tunio

Mr. Justice Yousuf Ali Sayeed

Date of Hearing : 02.05.2024

Date of Order : 02.05.2024

Mr. Imtiaz Ali Channa, Advocate for petitioner.
Mr. Allah Bachayo Soomro, Additional A.G Sindh.

ORDER

YOUSUF ALI SAYEED, J.- The Petitioner has invoked the jurisdiction of this Court under Article 199 of the Constitution, seeking that his contractual employment as an Amleen/Zakat Clerk with the Auqaf Religious and Minorities and Zakat & Ushr Department be regularized.

2. Proceeding on the matter, learned counsel for the Petitioner sought to rely on the Order dated 03.02.2022 made by a learned Division Bench of this Court in C.P. No. D-3031 of 2020 at the Principal Seat at Karachi, where such a plea had been entertained, with that Petition being allowed.

3. However, the matter is clearly distinguishable as the same is predicated on the fact that the persons who were before the Court in that case had cleared the recruitment for the posts in question through a competitive process, which was a precondition for their appointment, whereas the present Petitioner has been unable to show that his induction was through an advertised competitive process against a vacant regular and budgeted post.

4. As it transpires in the matter at hand, the Petitioner was simply appointed through an Order dated 01.01.1995 issued by the Chairman of the District Zakat & Ushr Committee, Hyderabad, in pursuance of a written request made to him directly, the relevant excerpt of which reads as follows:-

“With due respect I, the undersigned beg to submit that I, have come to know through some reliable sources that there are some above mentioned post are lying vacant under your kind control, I beg to offer myself as a candidate for above described post”.

5. Indeed, a perusal of the Petitioner’s request reflects that even the particular post in respect of which the same was advanced remained unidentified.

6. Under such circumstances, the Petition was found to be misconceived and was dismissed vide a short Order made in Court upon culmination of the hearing on 02.05.2024.

JUDGE

JUDGE

Shahid