

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

*Constitution Petition No. D- 1689 of 2021*  
(Zeeshan vs. P.O Sindh & others)

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**Before;**

*Adnan-ul-Karim Memon, J;*  
*Muhammad Abdur Rahman, J;*

**Date of hearing and Order: 14.05.2024.**

Mr.Riaz Ali Shaikh, Advocate for Petitioner.

Mr. Liaquat Ali Shar, Additional Advocate General Sindh.

**ORDER**

*Adnan-ul-Karim Memon J:-* In the above-captioned petition, Petitioner Zeeshan is seeking appointment based on the deceased Quota in the Police Department Government of Sindh on the premise that his brother Shouban Ali was serving as a Police Constable and passed away during service on 12.12.2019, as such he is entitled to be appointed as Police Constable in District Naushahro Feroze, however, his candidature was also rejected on the premise that he was found deficient of one inch in chest besides he was not entitled to be appointed on deceased brother quota. He prayed for allowing the petition.

2. Learned counsel for the petitioner has submitted that the Petitioner being eligible, in all respects for appointment to the post of Police Constable against "Deceased Quota, however, due to non-consideration of his candidature to appoint him against quota has approached this Court on 30.11.2021.

3. The Respondents who are represented by the AAG have submitted that the brother of the petitioner had already been appointed on the deceased quota who later on died during service therefore, the petitioner's candidature was assessed, being the brother of the deceased on humanitarian ground, when he was found deficient i.e one inch in-chest; and there was/is no concept of appointment based on deceased quota second time, as this petition is not maintainable and liable to be dismissed.

4. We have heard the learned counsel for the parties and perused the material available on record.

5. During arguments, much emphasis has been laid on the Rule 11-A of Sindh Civil Servant (Appointment, Promotion, Transfer Rules-1974), by the learned counsel for the Petitioner and argued that Petitioner can be accommodated under the aforesaid rules. It would be better to reproduce the Provision of Rule-11-A of Sindh Civil Servant (Appointment, Promotion, Transfer Rules-1974), which provides a complete mechanism for appointment against the son quota. The relevant portion of Rule 11-A of Sindh Civil Servants (Appointment, Promotion, Transfer) Rules 1974 is reproduced herewith:-

*"11-A. Where a civil servant dies while in service or is declared invalidated or incapacitated for further service, one of his children shall be provided job on any of the pay scales Nos.1 to 10 in the Department in which the deceased civil*

*servant was working without observance of the prescribed formalities if such child is otherwise eligible for the post."*

6. Reverting to the claim of the Petitioner that he being a brother of the deceased was/is entitled to the post of Police Constable, we are not convinced with the assertion for the Petitioner for the simple reason that Petitioner has to meet firstly the eligibility criteria for the post of Police Constable as provided under the Recruitment Rules as well as Police Rules 1934 before being appointed on a designated post, which in the present case are lacking. However, the police constable can only be appointed on merit not based on deceased/Shahed quota as every candidate has to meet the criteria as set forth in the recruitment rules notified by the Government of Sindh for such appointment in police force.

7. In the light of the above discussion, the instant constitutional petition along with the pending application(s) is dismissed being not maintainable.

**J U D G E**

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