

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Constitution Petition No. D-82 of 2020
(Waseem Hussain Shah Vs. Sindh Industrial Estate (SITE) & others)

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
-----------------	-------------------------------

Before;

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

Date of hearing and order: 14-05-2024.

Mr. Fayyazuddin Rajper, advocate for the petitioner.
Mr. Shaharyar Imdad Awan, Assistant A.G, Sindh.

ORDER.

Adnan-ul-Karim Memon J:- The petitioner Waseem Hussain Shah seeks direction to the respondents-Director Sindh Industrial Estate (SITE) to appoint him against deceased quota in terms of Rule 11-A of Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974 and dicta laid down by the Supreme Court in the case of *Province of Sindh Vs. Muhammad Taqi Shah (2018 SCMR 1607)*.

The grievance of the petitioner is that his father Mureed Hussain Shah was serving as Estate Engineer SITE, who during his service passed away on 30-04-2018. After the demise his father, the mother of the petitioner approached the respondent-SITE for appointment of her son against the deceased quota, but the petitioner was/is being deprived from his legal right as the respondent-SITE had been keeping him on hollow hopes, hence he filed the instant petition on 17-01-2020.

Learned AAG has opposed this petition without filing the comments He prayed for dismissal of the petition.

We have heard the parties present in Court and perused the material available on record.

It appears from the record that father of the petitioner was serving as Estate Engineer, SITE Limited Sukkur and passed away during service on 30-04-2018, the petitioner applied for his appointment on ministerial post on the premise that he did his Masters in English, whereas this Court passed various orders in different petitions with direction to the respondent-SITE on in terms of Board's resolution No. 6 dated 26-06-1972 in which under Rule-16 the management of SITE had undertaken that the sons/daughters of the ex, or retired employees would be given preference in initial recruitment if they had the requisite qualification in their credit for the post. If this is a position of the case, Prima facie this is apathy on the part of the respondent- SITE as this lis has been pending since 2020 and there is no progress in the matter; as such we are compelled to hear the learned counsel for the petitioner and learned AAG on the subject issue without further delay as the respondent-SITE is not bothered to defend the case by filing the comments, therefore this Court is left with no option, but to direct the competent authority of respondent-SITE to take into consideration the verdict of the Supreme Court on the subject issue as well as keeping in view the Rule 11-A of Sindh Civil Servants (Appointment, Promotion, and Transfer) Rules, 1974, and policy adopted by respondent-SITE, where after if the petitioner is found eligible in all respect for appointment against the quota reserved for deceased Public Servant, he shall be accommodated in any suitable ministerial post by allowing him to complete all legal and codal formalities as required under the law and the relevant rule, procedure, and policy.

Let notice be issued to the Managing Director SITE Karachi, along with a copy of this order for its compliance in letter and spirit within 30 days.

Judge

Judge

Nasim/P.A