

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**  
**Constitution Petition No. D-2178 of 2018**

( *Mst. Naziran Bhatti Vs. Province of Sindh & others* )

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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**Before;**

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

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

Mr. Ali Gul Abbasi, advocate for the petitioner.  
 Mr. Ali Raza Baloch, Assistant Advocate General, Sindh.

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**ORDER.**

**Adnan-ul-Karim Memon J:-** The petitioner Mst. Naziran seeks direction to the respondent-Secretary Local Government, Government of Sindh to appoint her against deceased quota in terms of 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 her mother Mst. Sarwar was serving as Sanitary Worker in respondent-department, who during her service passed away on 08-02-2012. After the demise of her mother, the petitioner filed a Constitution Petition No.D-3252 of 2016, which was disposed with direction to the respondents to consider the case of the petitioner and then after time to time, the petitioner approached the respondents to appoint her on deceased quota, but they were/are avoiding to appoint her since long, although she was/is entitled for such relief, compelling her to file fresh petition in the year 2018.

Learned AAG has opposed this petition on the analogy that petitioners' earlier petition was disposed of by a common order dated 05-09-2018 whereby the applications for appointment were to be considered in terms of Law laid down by the Supreme Court and

it was left open for the petitioner to avail his/her remedy challenging the order whereby his/her application for appointment was declined.

We have heard the parties and perused the material available on record as well as order dated 05-09-2018 and 18-12-2018 passed by this Court in C.P No.D-3252 of 2016.

It appears that the subject petition was filed by the petitioner on 31-12-2018 on the premise that respondents failed and neglected to appoint the petitioner as Sanitary Worker in Sukkur Municipal Corporation against the quota reserved for deceased employees in Local Government Department. Respondents claim that petitioner got married as such under the policy she was/is not entitled under the deceased quota as Rule 11-A of Sindh Civil Servant (Appointment, Promotion and Transfer) Rules 1974, was/is not applicable in the case of the petitioner as her mother was not Civil servant.

This Court vide order dated 07-02-2023 directed that the policy framed by the Local Government with regard to deceased quota be furnished, but till today nothing has been done, which is apathy on the part of Secretary Local Government of Sindh.

In view of the above facts and circumstances of the case as well as orders passed by this Court in C.P No.D-3252 of 2016, let this matter be referred to the Secretary Local Government, Government of Sindh and respondents to take into consideration the verdict of the Supreme Court on the subject issues, where after if the petitioner is found eligible in all respect for appointment against the quota reserved for deceased Public Servant under the policy, she shall be accommodated as Sanitary Worker by allowing her to complete all legal and codal formalities as required under the law and the relevant rule, procedure, and policy. However, the respondents shall see the implication of the earlier orders passed by this Court and if

her case falls within the ambit of the policy, she may be considered a fresh candidate.

Let notice be issued to the Secretary Local Government, Government of Sindh, along with a copy of this order for its compliance in letter and spirit within 30 days.

**Judge**

**Judge**

Nasim/P.A