

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

**Constitution Petition No.D-142 of 2023**

*(Azizullah Memon & others Vs. Province of Sindh & others)*

**Constitution Petition No. D-455 of 2023**

*(Abdul Haque & others 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 30-04-2024*

*Date of Order 30-04-2024.*

Mr. Muzafar Ali Dehraj, advocate for the petitioners.  
Mr. Ali Raza Baloch, Assistant Advocate General, Sindh.

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**ORDER**

***Adnan-ul-Karim Memon J:-*** Petitioners seek directions to the official Respondents to appoint them on the basis of their disable quota, already framed by the Government of Sindh, at 5% in each and every department of Government of Sindh as per policy framed by the Government, they seek further direction for implementation of the order dated 14.07.2022 passed by Supreme Court in CPLA No.745-K to 750-K.

2. The petitioners claimed that the provincial government had failed to grant jobs to People with Disabilities (PWDs) on quotas reserved for them despite obtaining disability certificates from Director General Sindh Persons with Disabilities Protection Authority (SPDPA), Karachi as well as from Provincial Coordinator Social Welfare Department. In this regard, the Supreme Court in CPLA No.745-K to 750-K strictly ordered the Sindh government to comply with recruitment quotas for PWDs. However, they have been deprived of from their

fundamental rights which are clear violation of law and rules hence, they maintained these petitions.

3. The petitioner's counsel informed the Court today that special quotas had been allocated in all departments of the province. Nonetheless, he stated, the Sindh government was not giving government jobs to PWDs, praying to take notice and order the government to comply with. Additional Advocate General (AAG) Sindh submitted that there were/are vacancies in government offices, assuring this Court that the seats would be filled as per policy.

4. Perusal of record shows that petitioners have obtained disability certificate(s) issued to them by the concerned authorities. The Supreme Court has held that the fundamental postulate is based on the principle of equality and non-discrimination. The obligation on the government to ensure that persons with disabilities enjoy (i) the right to equality; (ii) a life with dignity; and (iii) respect for their integrity. The fundamental postulate of equality and non-discrimination is made available to persons with disabilities without constraining it with the notion of a benchmark disability. There is a critical qualitative difference between the barriers faced by persons with disabilities and other marginalized groups. In order to enable persons with disabilities to lead a life of equal dignity and worth, it is not enough to mandate that discrimination against them is impermissible. That is necessary, but not sufficient. It is further stated that we must equally ensure, as a society, that we provide them the additional support and facilities that are necessary for them to offset the impact of their disability. The dicta laid down by the Supreme Court is binding upon this Court under Article 199 of Constitution of Islamic Republic of Pakistan, 1973.

5. Accordingly, the Supreme Court of Pakistan in CPLA No.745-K to 750-K while disposing off appeals of Government of Sindh have observed as under;

*“The proceedings were initiated by differently abled persons, projected their grievance that despite availability of specific quota meant for them, they have not been considered or appointed. The High Court consequently passed an order and thereafter initiated contempt proceedings from which the instant petition seeking leave of this Court against the order of the High Court have been filed.*

*Learned Additional Advocate General alongwith Mr. Sohail Rajput the Chief Secretary, Sindh states that at present 1572 vacancies of differently-abled persons are available and in consequent to the advertisement made in 2021-22 applications are invited to fill available vacancies and many applications have already been received different DRCs. He states that the petitioners who have raised the grievances before the High Court or any other forum if already for their applications before the DRCs would be considered in accordance with law or if they have not filed, they may file their applications in the office of the Additional Secretary, S&GAD within 15 days. It is further categorically stated that these 1572 vacancies will be filled within a period of 90 days.*

*In the circumstances, we would converted these petitions into appeal and would dispose them off by suspending the contempt proceedings for period of 90 days allowed the provincial government to complete process of appointment and issuance of appointment letters to 1572 differently-abled persons within that period after completion of process in accordance with law and then to file compliance report before the High Court.”*

*Prima facie*, the case of the petitioners is required to be duly considered by the competent authority of respondents in the light of judgment of Supreme Court stated *supra*.

6. These petitions are disposed of in terms of order dated 14.07.2022 passed by Supreme Court in CPLA No.745-K to 750-K. The aforesaid exercise shall be completed within two weeks. The Chief Secretary Sindh and Secretary of concerned department to comply the order as stated above.

**Judge**

**Judge**