

# IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 1472 of 2018

*(Muhammad Afzal Bozdar versus Province of Sindh and others)*

Present:

**Mr. Muhammad Iqbal Kalhoro, J.**

**Mr. Arbab Ali Hakro, J.**

Date of hearing : **16.04.2024**

Date of decision : **16.04.2024**

Mr. Alam Sher Bozdar, Advocate for petitioner.

Mr. Zulfiqar Ali Naich, Assistant Advocate General Sindh.

## **ORDER**

**Muhammad Iqbal Kalhoro, J.** – Petitioner's father was Watchman in Provincial Buildings Department. He died during service on 08.10.2014. His widow filed an application on 11.10.2014 after three days of his demise apprising the department about his death and asking for a job to his legal heirs in terms of Rule 11-A of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974. Since at the time of moving such application, the legal heirs / children of deceased were still minor, this application was kept pending.

2. Petitioner, who is a son of deceased, attained majority on 15.04.2018 and moved an application on 18.06.2018, in two months, requesting for a job on deceased quota. His application was regretted on the ground that he had failed to move the application within a stipulated period of two years; hence, he has filed this petition.

3. We have heard the parties and perused material available on record. In a number of judgments / orders passed by this Court in various petitions, it has been observed that for a minor legal heir of deceased civil servant, the period of two years to apply for appointment on deceased quota would start after he / she attains majority. This proposition has not been disputed by learned AAG Sindh, and he states that even this Bench has decided the issue in various petitions on these lines.

4. We, therefore, are of the view that competent authority did not consider the application of the petitioner for appointment on deceased quota in a proper perspective and in accordance with law and regretted it on the grounds extraneous and irrelevant to the beneficial scheme of Rule 11-A of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974. Therefore, we **allow** this petition and direct the respondents to consider the petitioner's application for appointment on deceased quota in accordance with aforesaid provision of law within a period of sixty days.

The petition is accordingly **disposed of**.

J U D G E

J U D G E

Abdul Basit