

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Constitution Petition No. D-1737 of 2021

(Mst. Tehmina Umrani 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: 30-04-2024.

Mr. Abdul Rehaem Mahar, advocate for the petitioner.
 Mr. Zulfiquar Ali Naich, Assistant Advocate General, Sindh.

ORDER.

Adnan-ul-Karim Memon J:- The petitioner Mst. Tehmina through the instant petition states that her husband Abdul Waheed Umrani was serving as Chokidar in Food Department and posted at DFC Office Naushahro Feroze and during service he was passed away on 07-07-2016; however, she could not apply for the job and his son was minor at the time of death of her husband, hence, the petitioner moved application on 03-01-2017 for her appointment in terms of Rule 11-A of Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974, but respondents always kept her on false hopes, ultimately she has filed the instant petition and prayed that respondents may be directed to appoint her against deceased quota as the petitioner and her family members are suffering a lot and passing hard days.

Learned counsel for the petitioner has submitted that the petitioner has completed all the codal formalities as required under the law; however, she has been deprived of her legal right for appointment against quota reserved for deceased Civil Servants in terms of Rule 11-A of Civil Servants (Appointment, Promotion, and Transfer) Rules, 1974.

Learned AAG has opposed this petition on the ground that the documents received by the department were sent for verification and they

are waiting. Prima facie this is apathy on the part of the respondent-department as this lis has been pending since 2021 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.

There is no denial of the factum that husband of the petitioner namely Abdul Waheed was serving in the Food department as Chowkidar and was posted at DFC Office Naushahro Feroze and passed away during service on 07-07-2016 and the petitioner moved several applications for her appointment against any ministerial post in terms of Rule 11-A as discussed *Supra which* is clear in its terms and needs no further deliberation on our part. Prima facie the action of the respondent department does not align with the law laid down by the Supreme Court of Pakistan on the subject issue and the petitioner has been subjected to the irony of the department which is a hardship case.

The respondents have failed and neglected to look into the matter in its true perspective and violated the command of the Constitution and law; therefore, this petition is liable to be allowed along with the pending application(s) with direction to the Chief Secretary Government of Sindh and respondents to take into consideration the verdict of the Supreme Court on the subject issues as well as keeping in view the Rule 11-A of Sindh Civil Servants (Appointment, Promotion, and Transfer) Rules, 1974, where after if the petitioner is found eligible in all respect for appointment against the quota reserved for deceased Civil 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 Chief Secretary Sindh, Government of Sindh, Secretary Food Department 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