

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**  
**Constitution Petition No. D-273 of 2024**

(*Naveed Ali Siyal 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: 02-05-2024.**

Ms. Rizwana Jabeen Siddiqui, advocate for the petitioner.  
Mr. Asfandayar Kharal, Assistant Advocate General, Sindh  
a/w Inspector Rajib Ali Maitlo, Police Line Naushahro Feroz.

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**ORDER.**

**Adnan-ul-Karim Memon J:-** Through the instant petition, petitioner Naveed Ali seeks direction for respondent-Home Department Government of Sindh 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)*. As per petitioner his father Karim Bux Siyal was serving in Sindh Police as wireless operator/Head Constable, who during his service passed away on 22-09-2017 as per death certificate available as Annexure-B; thereafter the petitioner approached the respondent-department and submitted various applications for his appointment, to which respondent No. 4 issued letter to the respondent No. 7 for scrutiny of claims of Shaheed for recruitment for the post of ASI against deceased/son quota and then respondent No. 6 issued letter to respondent No. 5 dated 22-11-2022 for conducting physical and written test of the petitioner and he was considered and issued appearance slip of written test for date of

08-12-2022, hence the petitioner appeared in the written test and qualified, but after lapse of time the respondents called him and told him verbally that he was not fit for such post of police constable, hence the petitioner has approached this Court by filing the instant petition seeking direction to respondents for his appointment against the deceased/son quota.

Learned AAG has submitted that the petitioner was found absent in the requisite physical and written test during recruitment test, such report was submitted to the competent authority vide letter dated 10-07-2023; however, it is submitted that if the petitioner qualifies all the recruitment tests/interviews to be conducted by the committee in the light of Sindh Police "Shaheed, deceased, invalidated or incapacitated quota" recruitment Rules 2021, his case shall be considered and forwarded to Home Department Government of Sindh for final approval within 90 of recruitment process. He lastly prayed for disposal of the petition in the above terms.

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

Prima facie this is apathy on the part of the respondent- Police Department as this lis has been pending since long and there is no progress in the matter. The stance taken by the respondents-department that father of the petitioner passed away on 22-09-2017 and he applied against deceased quota in the year 2022 (after five years) and the clog of two years comes to play as per Rule 11-A of Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974. Prima-facie the respondents have taken contrary stance at this point in time they have submitted that the petitioner will be considered as and when he appears before the recruitment committee for test and interview vide letter 05-04-2022; however at the same breath, the AIGP (Legal-II) submits that the petitioner applied at belated stage.

The stance cannot be appreciated at all for the reason that in the eventuality of the death of a Civil Servant during service, it empowers the appointing authority to appoint one of the children of such deceased Civil Servant in any of the basic pay scales and the only requirement provided by the law was that the child must possess minimum prescribed qualifications. There was not condition of any examination, test or interview, and such appointment should be made in any department of the Government of Sindh only in case of death of a Civil Servant during service; however, this condition cannot be applied if the appointment is made in police force as the candidate has to appear in requisite physical test and interview; if the post applied for is of Police Constable and/or ASI; however, at the same time, the department can consider the child of the deceased Civil Servant for any ministerial post, if he qualifies; therefore, this petition is liable to be disposed of 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 and Sindh Police "Shaheed, deceased, invalidated or incapacitated quota" recruitment Rules 2021, 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, Inspector General of Police Sindh, along with a copy of this order for its compliance in letter and spirit within 30 days.

**Judge**

**Judge**

