

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P.NOs.D-3131, 2844, 2954, 3449 of 2016

C.P.NOs.D-1139, 386, 1128, 1567, 2791, 2852, 3028, 3082, 3083,
3124, 3161, 3174, 3184, 3185, 3187, 307, 1365, 330, 3208 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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12.10.2017

Mr. Zubair Mirbahar, Advocate for petitioners in C.P.Nos.D-3082 & 3083 of 2017.

Mr. Mian Taj Muhammad Keerio, Advocate for petitioner in C.P.No.D-2954 of 2016.

Mr. Khadim Hussain Leghari, Advocate for petitioner in C.P.No.D-3124 of 2017.

Mr. Muhammad Jameel Khan, Advocate for petitioner in C.P.No.D-3161 of 2017.

Mr. Muntazir Mehdi Leghari, Advocate for petitioner in C.P.No.D-3174 of 2017.

Mr. Karamullah Memon, Advocate for petitioner in C.P.No.D-3184 of 2017.

Mr. Ghazanfar Ali Bhutto, Advocate for petitioner in C.P.No.D-1365 of 2017.

Mr. Nouman Sahito, Advocate for petitioners in C.P.No.D-330 of 2017.

Mr. Abdul Hafeez Jagirani, Advocate for petitioner in C.P.No.D-3208 of 2017.

Mr. Rafique Ahmed, Advocate for petitioner in C.P.No.D-3131 of 2016.

Syed Ghulam Hyder Shah, Advocate for petitioner in C.P.No.D-1139 of 2017.

Mr. Nazeer Ahmed A. Bhatti, Advocate for petitioner in C.P.No.D-2844 of 2016.

Mr. Karim Bux Rind, Advocate for petitioner in C.P.No.D-3449 of 2016.

Petitioner Muhammad Ali is present in person in C.P.No.D-386 of 2017.

Mr. Shoukat Ali Kaka, Advocate for petitioner in C.P.No.D-1128 of 2017.

Mr. Mushtaque Hussain Khaskheli, Advocate for petitioner in C.P.No.D-1209 of 2017.

Mr. Roshan Ali Azeem Mallah, Advocate for petitioner in C.P.No.D-1567 of 2017.

Mr. Mohsin Raza Gopang, Advocate for petitioner in C.P.No.D-2791 of 2017.

Mr. Mazhar Ali Laghari, Advocate for petitioner in C.P.No.D-2852 of 2017.

Mr. Agha Waqar Ahmed, Advocate for petitioner in C.P.No.D-3028 of 2017.

Mr. Nabi Bux Narejo, Advocate for petitioner in C.P.No.D-3185 of 2017.

Petitioner Farhan Khan is present in person in C.P.No.D-3187 of 2017.

Petitioner Waheed Imtiaz Panhwar is present in person in C.P.No.D-307 of 2017.

Mr. Allah Bachayo Soomro, Additional A.G Sindh.

Mr. Imtiaz Ali Mahar, State Counsel.

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This bunch of petitions is in respect of deceased quota. All petitioners who claim to be either son/daughter/widow of the deceased employees have filed an application seeking benefit under Rule 11-A of Sindh Civil Services (appointment, promotion, transfer) Rules, 1974. There are a number of judgments of this Court which touches the issue as to the retrospective effect of the notification which provide two years period after the death of the employee. Such effect was highlighted in the judgments reported as *2010 PLC (S.C) 536 and its review 2011 PLC (S.C) 1613*. In the first notification of 2nd September, 2002, there were certain amendments made in which it was provided that the appointing authority could appoint one of the children of a civil servant / government employee who died during service, to a post, if such child was otherwise eligible for the post or to the extent of his eligibility and qualification. The said notification would be applicable to all children of government servants who

died even before coming into force of the said notification and not only to the children of those government servants who died after coming into force of that notification. In case such applications under Rule 11-A are filed before subsequent notification of 2009 where a period of two years is provided after the death of employee, the notification would not have a retrospective effect and all such applications shall be considered by the committee as constituted by worthy Chief Minister. The effect of two years in pursuance of notification of 2009 (two year limitation) would take its effect only if an application is preferred after the promulgation of the notification that is after the issuance of notification of 2009 and two years period would then bind the applicant.

In view of the above and the mechanism as stated above, all these petitions are disposed off and the applications of the petitioners shall be considered in terms of the above mechanism within a period of 03(three) months from today by the committee as claimed to have been constituted by worthy Chief Minister and a fortnightly periodical report as to the consideration of applications of the individuals shall also be placed on record with the Additional Registrar of this Court.

All petitions stands disposed of in the above terms.

JUDGE

JUDGE

Shahid

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
C.P.No.D-328 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on office objection.
2. For katcha peshi.

12.10.2017

None present for the petitioner.
Mr. Allah Bachayo Soomro, Additional A.G

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Mr. Irfan Ali Bughio, Advocate by filing Vakalatnama on behalf of respondents/HDA submits that the petitioner Muhammad Imran has been appointed against deceased quota vide appointment order dated 23.08.2017. Copy of the appointment order has been filed, which is also taken on record.

In view of the above, since the grievance of the petitioner has been redressed, therefore, the instant petition is disposed of.

JUDGE

JUDGE

Shahid