

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT  
LARKANA**

**C.P.No.D-862 of 2017**

Before:

Mr. Justice Muhammad Junaid Ghaffar  
Mr. Justice Irshad Ali Shah

Nizakat Ali Abro

v/s.

Province of Sindh through Secretary  
to the Government of Sindh,  
Revenue Department

Mr. Faiz Muhammad Larik, Advocate for the Petitioner.

Mr. Abdul Hamid Bhurgri, Additional Advocate General, Sindh.

Date of Hearing: 30.09.2020

Date of Order: 30.09.2020

**ORDER**

**Muhammad Junaid Ghaffar, J.:** Through this petition, the petitioner has sought the following relief(s):

- (a). That this Hon'ble Court may be pleased to declare that the petitioner being brother / legal heir / family member of deceased employee / "Shaheed" (who sacrificed his life in line of duty), is eligible to be appointed in government service as per provisions of "The Sindh Shaheed Recognition and Compensation Act, 2014", and direct the respondents to take petitioner in service in view of above rules, preferably to the same rank of at least ASI (Assistant Sub-Inspector).
- (b). Award costs.
- (c). Grant any other equitable relief.

2. Learned counsel for the petitioner submits that the brother of the petitioner died while performing his duty as Assistant Sub Inspector (ASI) in the Anti-Encroachment Force, Sindh and vide Obituary dated 13.02.2016, he was declared Shaheed by the Senior Superintendent of Police, Anti-Encroachment Force, Karachi. He has

also referred to the heirship certificate and submits that the deceased died issueless, therefore, his brothers and sisters are his legal heirs, whereas in terms of section 2(d) of the Sindh Shaheed Recognition and Compensation Act, 2014 (2014 Act), the petitioner is included in the definition of the legal heirs as a brother. He has therefore prayed that the petitioner is entitled for the relief as claimed.

3. On the other hand, learned Additional Advocate General has opposed the petition on the ground that firstly only one brother has come before the Court as a legal heir without consent of the others, and secondly the deceased was not working in any law enforcement agency as defined in section 2(c) of the 2014 Act; no case is made out.

4. We have heard the learned counsel for the petitioner and the learned Additional Advocate General. It could be advantageous to refer to the relevant provisions in consideration i.e. section 2(c) and (d), of the 2014 Act, which read as under:

- (c). *"law enforcement agency" means the Sindh Police, Sindh Prisons, Pakistan Rangers (Sindh), Frontier Constabulary and intelligence organization deployed in the Province of Sindh and working in aid of the Government;*
- (d). *"legal heirs" means the father, mother, son, daughter, sister, brother and wife;*

Perusal of Section 2(c) of the 2014 Act reflects that law enforcement agency has been defined and means the Sindh Police, Sindh Prisons, Pakistan Rangers (Sindh), Frontier Constabulary and Intelligence organization deployed in the Province of Sindh and working in aid of the Government. Insofar as Section 2(d) of 2014 Act is concerned, though the petitioner falls within the definition of legal heirs, but as contended by the learned Additional Advocate General, the petition is silent as to the consent of other legal heirs of the deceased. Be that as it may, in our considered view the petitioner's brother was not working in any law enforcement agency as defined in Section 2(c) of 2014 Act (ibid) as admittedly he was working in the Anti-Encroachment Cell comprising of Anti-Encroachment Force established by the Board of Revenue under the control of Senior Member, Board of Revenue, Sindh under Section 18(2) of the Sindh Public Property (Removal of

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Encroachment) Act, 2010. In view of such position, apparently the petitioner is not entitled for the benefit as contemplated in the 2014 Act until and unless the definition of law enforcement agency as defined in Section 2(c) of 2014 Act is amended. It further appears that the Board of Revenue has already moved a summary before the Chief Minister, Sindh for including the personnel of Anti-Encroachment Cell within the definition of law enforcement agency as provided in Section 2(c) of 2014 Act. However, till such law is amended, we are afraid no indulgence could be given to the present petitioner.

5. In view of hereinabove facts and circumstances of this case the petitioner does not appear to be entitled for the employment under the Shaheed Quota as provided in the 2014 Act, therefore, this petition being misconceived is hereby dismissed.

Manzoor

