

ORDER SHEET
HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

C.P No.D-1057 of 2024

[Mst.Laraib vs. the Federation of Pakistan and 07 others]

Present:

Justice Arbab Ali Hakro-J
Justice Riazat Ali Sahar-J

Petitioner by : Syed Zeeshan Ali Shah, Advocate

Respondents by : Nemo

Date of hearing : **14.5.2025**

ARBAB ALI HAKRO-J: Through this constitutional petition, the petitioner seeks appointment under the Deceased Quota in Pakistan Air Force (PAF) as a civilian employee pursuant to the “Prime Minister Assistance Package” designated for families of government employees who passed away during service.

2. Learned counsel for the petitioner has been heard with meticulous attention, and the record has been subjected to a thorough examination to discern the legitimacy of the petitioner’s claim.

3. Undoubtedly, the deceased father of the petitioner, Muhammad Rafique, was employed as HS-I (BPS-7) in the Pakistan Air Force and passed away during service on 16.12.2006. It is an undeniable fact that the deceased had two widows, one being the mother of the petitioner, while the second widow, according to the petitioner, has been displaced to an undisclosed location. The mother of the petitioner had submitted applications seeking the appointment of her daughter under the aforementioned package, but her request was declined by the competent authorities vide letter dated 21.5.2024.

4. The refusal was predicated upon the stipulations laid down in the Establishment Division Letter No.1/39/2013-E-2 (Pt) dated 03rd August 2016, which categorically delineates the criteria for appointment in cases where a deceased government servant is survived by multiple widows and children. As per the directives, the right of appointment must first be exercised by the first widow or an eligible child from the first widow within one year of the date of death of the government employee. In the present matter, the petitioner

attained the age of 18 years on 17th March 2020, but her application was submitted five months after the stipulated one-year period, thereby rendering her claim non-maintainable under the governing framework.

5. Moreover, this Court is conscious of the authoritative pronouncement rendered in case of **General Post Office, Islamabad & Others**¹, wherein the Supreme Court of Pakistan meticulously scrutinized the constitutional architecture underpinning public employment and unequivocally declared that appointment provisions under Deceased/Son Quota contravene the fundamental rights guaranteed under Articles 3, 4, 5(2), 18, 25(1), and 27 of the Constitution. The Apex Court, in its profound wisdom, has reasoned that any employment mechanism circumventing open advertisement and merit-based selection inherently violates the constitutional mandate ensuring equal opportunity in public service.

6. In view of the foregoing, we find that the petitioner's claim to appointment under the Deceased Quota stands bereft of legal footing both in terms of statutory prescription and judicial precedent. Consequently, the instant petition is **dismissed** as being devoid of merit.

JUDGE

JUDGE

AHSAN K. ABRO

¹ General Post Office, Islamabad and Others v. Muhammad Jalal (PLD 2024 SC 1276)