

HIGH COURT OF SINDH, CIRCUIT COURT MIRPURKHAS

C.P No. D-1793 of 2024
[Dhanesh Kumar v. P.O Sindh & others]

Before:

Justice Arbab Ali Hakro
Justice Riazat Ali Sahar

Petitioner by:	Mr. Kanji Mal Meghwar advocate.
Respondents by:	Mr. Muhammad Sharif Solangi Assistant Advocate General, Sindh along with Faisal Ali Soomro, ADC-II Mirpurkhas.
Date of Hearing	14.05.2025
Date of decision	14.05.2025

JUDGMENT

RIAZAT ALI SAHAR, J. Through this petition, petitioner seeks following reliefs:

- “a. That this Honourable court may be pleased to direct the Respondent No.4 to issue joining letter to the petitioner in consideration of his offer letter.*
- b. That Honourable Court may be pleased to direct the Respondent No.4 to accept his communication of acceptance and issue joining letter to the petitioner.*
- c. Costs of the petition may be saddled upon the respondents.*
- d. Any other reliefs) which this Honourable Court deems fit, just and proper in favour of the petitioner.”*

2. Learned counsel for the petitioner submits that petitioner is a person with disabilities and pursuant to an advertisement, announced by the respondents for various posts in BPS-01 to 04, the petitioner applied on the domicile of District Mirpurkhas. Counsel added that interviews were conducted subsequently by the Deputy Commissioner

Mirpurkhas, being the chairman/head of District Selection Committee (DSC), wherein petitioner appeared and qualified the same successfully and after completion of all legal and codal formalities he was issued offer of appointment letter dated 24.07.2023 for the post of Naib Qasid (BPS-01) in the office of Deputy Commissioner (Revenue Department) Mirpurkhas and though the petitioner has complied with the direction/conditions contained in the offer letter, yet he is not being given joining and/or issued formal order of appointment. Counsel also submits that such act on part of the respondents is nothing but equal to deprive the petitioner of his right to employment, therefore, he is aggrieved and having no alternate efficacious remedy seeks indulgence of this Court by invoking its extraordinary constitutional jurisdiction under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973.

3. Pursuant to notice the Deputy Commissioner Mirpurkhas, being the concerned respondent, has filed his written statement dated 12.02.2025 and the learned AAG while referring to the said statement submits that in order to make appointment in BPS-01 to 04 various posts were announced through leading newspapers in 20 different Departments of District Mirpurkhas and subsequently interviews of the candidates/aspirants were conducted under the chairmanship of Deputy Commissioner Mirpurkhas and on the recommendation of District Selection Committee offer letters were issued to around 800 candidates, which includes

27 candidates under disable quota; however, the said process was halted by a learned Single Bench of this Court in Suit No.1564 of 2023, as such no further steps were taken.

4. We have heard the learned counsel for the petitioner as well as learned AAG Sindh and have also perused the material available on record.

5. Record reflects that in order to make appointments in BPS-01 to 04 District Selection Committees on district level were constituted by the respondent No.2 [Secretary to the Government of Sindh Services, General Administration and Coordination Department] under the chairmanship of Deputy Commissioner concerned, who initiated the recruitment process after public notice and issued offer letters for various posts in BPS-01 to 04 to number of candidates. Petitioner in present case has claimed to have participated in such process and after completion of all codal and legal formalities received offer of appointment letter, referred to above, for the post of Naib Qasib in the office of Deputy Commissioner (Revenue Department) Mirpurkhas under disable quota. Such claim on part of the petitioner has not been denied/disputed by the Deputy Commissioner Mirpurkhas (Chairman DSC), however, the only stance taken by the Deputy Commissioner in his written statement, mentioned above, is that since the recruitment process undertaken in said period was halted by a learned Single Bench of this Court in Suit No.1564 of 2023, as such no further steps were taken.

6. Record further reflects that same stance, as that of present case, was taken by the Deputy Commissioners of various Districts before a learned Division Bench of this Court at Sukkur¹ and the learned Division Bench after hearing the parties allowed the petition in following terms:

“4. In these circumstances, this petition is allowed with directions to the respondent No.2/Regional Director, Department of Empowerment of Persons with Disabilities Special Education, Sukkur to implement his order dated 04.08.2023 without being prejudiced by the decisions of Suit No.1493 of 2023, and treat the petitioners as newly appointed persons. All adversarial orders passed there to be considered as null and void. It is expected that no hurdles would be created in appointing the petitioners and efforts be made that all vacant posts in grades 1 to 4 would be filled expeditiously to pass benefits of State providence to the citizens of lower stratum, as per terms petition No.D-124 of 2023 was disposed of. Let a copy of this order be supplied to the office of AAG for compliance.”

7. The order(s)/judgment(s)² of the learned Division Bench at Sukkur, like one reproduced above, were impugned by the respondent – Sindh Government before Supreme Court of Pakistan³, however, the Supreme Court vide judgment dated 20.03.2025 rejected the plea of Sindh Government and concurred with the decision/findings of learned Division Bench at Sukkur.

8. Confining ourselves to present lis, we are of the view that since the issuance of offer letter to the petitioner, referred to above, after observing codal and legal formalities, has not been denied/disputed by the Deputy Commissioner

¹ C.P No.D-1435 of 2023

² Penned down in C.P No.D176 and identical petitions

³ Civil Petitions No.220-K to 442-K of 2025

Mirpurkhas (Chairman DSC) and the very stance of the respondent – Sindh Government has already been set at naught upto Supreme Court, as discussed above, therefore, the respondents are under obligation to issue appointment order to petitioner for the subject post without any further delay.

9. In view of the foregoing discussion, this petition is allowed, with directions to Deputy Commissioner Mirpurkhas (Chairman DSC) to issue appointment order for the subject post to petitioner within 15 days from the date of receipt of this judgment, however, subject to compliance of the terms and conditions outlined in offer letter dated 24.07.2023.

JUDGE

JUDGE

Sajjad Ali Jessar