

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
C.P. No. D-6315 of 2025  
*[Vinod Kumar v. Government of Sindh and others]*

Date	Order with signature of Judge(s)
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Before:  
Mr. Justice Adnan-ul-Karim Memon  
Mr. Justice Zulfiqar Ali Sangi

**Date of hearing and Order: 29.04.2026**

Mr. Irfan Mehboob advocate for the petitioner  
M/s. Abdul Jalil Zubedi & Ali Safdar Depar, AAG

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**ORDER**

**Adnan-ul-Karim Memon, J.** – The petitioner Vinod Kumar has filed this petition under Article 199 of the Constitution 1973 with following relief(s):-

- i) *Direct the respondents to immediately issue/provide the provision/attested copy of approval of Department Recruitment Committee (DRC) pertaining to the petitioner;*
- ii) *Grant any other relief deemed just and proper in the circumstances of the case.*

2. Learned counsel for the petitioner submits that the petitioner was lawfully appointed as Chowkidar (BPS-01) in the Minorities Affairs Department, Sindh, against the deceased quota vide appointment order dated 29.11.2023, followed by posting order of the same date. It is contended that despite having a valid appointment, the petitioner has been deprived of his right to join and perform duties solely due to non-issuance of the approval of the Departmental Recruitment Committee (DRC), which is essential for generation of SAP ID and formal induction into service. It is further submitted that despite repeated requests, including a written application dated 28.12.2023, the respondents have failed to provide the said DRC approval for over two years, resulting in administrative delay, uncertainty, and deprivation of lawful employment. Counsel argues that this inaction amounts to violation of fundamental rights guaranteed under Articles 4, 9, 18, and 25 of the Constitution, causing financial and mental distress to the petitioner. It is also alleged that the matter has been unnecessarily delayed without lawful justification. In these circumstances, it is prayed that the respondents be directed to provide an attested copy of the DRC approval and allow the petitioner to commence his service.

3. On the other hand, learned Assistant Advocate General submits that the petitioner was appointed against the deceased quota without completion of codal formalities, particularly without proper approval of the DRC. It is stated that although efforts were made in 2024 to constitute the DRC, the process could not be finalized due to subsequent legal developments, including the judgment of the

Supreme Court dated 26.09.2024 and the omission of Rule 11-A. It is further contended that after the said judgment and subsequent government instructions, the legal framework governing such appointments has changed, and only cases falling within specific exceptions can be processed, which the petitioner's case does not satisfy. Therefore, the delay is stated to be legal and systemic rather than administrative negligence or mala fide intent. The respondents deny allegations of discrimination or intentional delay, asserting that similarly placed cases have been affected uniformly due to the changed legal position, and hence no direction can be issued in violation of the prevailing law.

4. We have heard the learned counsel for the parties and perused the record with their assistance.

5. It appears that the petitioner was appointed against the deceased quota vide appointment order dated 29.11.2023, followed by posting order of the same date. The sole grievance of the petitioner is non-issuance of the approval of the Departmental Recruitment Committee (DRC), which is stated to be necessary for generation of SAP ID and formal induction into service. The petitioner asserts that despite repeated requests, he has been left in a state of uncertainty and has been deprived of his right to join and perform duties.

6. On the other hand, the respondents have taken the stance that the appointment was made without completion of codal formalities, particularly without approval of the DRC, and that subsequent legal developments, including the judgment of the Honourable Supreme Court dated 26.09.2024 and omission of Rule 11-A, have altered the legal framework governing such appointments. It is contended that the matter is now governed by the changed legal position and the petitioner's case does not fall within the permissible exceptions.

7. However, it is to be noted that the petitioner's initial offer of appointment and consequential rights flowing therefrom are protected under the law, particularly in view of the judgment of the Honourable Supreme Court in the case of *Jalal* (supra), wherein it has been consistently held that once a lawful offer of appointment has been made and acted upon to a substantial extent, the same cannot be withdrawn or frustrated on mere procedural or internal administrative deficiencies, unless the same are shown to be tainted with illegality or mala fide.

8. In the present case, the respondents have not disputed the issuance of appointment and posting orders, rather the objection is confined to non-availability of DRC approval. Such internal procedural lapse, in the absence of any allegation of fraud or misrepresentation on the part of the petitioner, cannot be used to defeat an otherwise lawful appointment, particularly when the petitioner has been kept in a prolonged state of inaction without any fault attributable to him.

9. Accordingly, we are of the considered view that the petitioner cannot be made to suffer for internal administrative deficiencies of the department. The respondents are required to regularize and process the matter in accordance with law by issuing the requisite DRC approval or any equivalent document necessary for his induction by issuing him appointment order, so that the petitioner is not deprived of his lawful employment. The aforesaid exercise shall be undertaken within three weeks.

10. The petition along with pending application(s) is disposed of in the above terms. Let a copy of this order be communicated to all concerned for compliance in time.

JUDGE

JUDGE