

PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

Date of Order or Proceedings	Order of other Proceedings with Signature of Judge.
1	2
26.10.2017	<p><u>W.P. No.3117-P/2017</u></p> <p><u>Present:</u> Raja Muhammad Ejaz, advocate, for the petitioner. Syed Sikandar Hayat Shah, AAG, for the official respondents.</p> <p>*****</p> <p><u>QAISER RASHID KHAN, J.-</u> Through the petition in hand, the petitioner has prayed as under :-</p> <p>“It is therefore humbly prayed that on acceptance of this writ petition, the respondents may be directed to appoint the petitioner on the post against the deceased government servants children quota, under rules 10(4) of the Government of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and transfer) Rules, 1989 being a deserving, eligible on vacant post of Class-IV.”</p> <p>2. As per averments in the petition, the father of the petitioner, namely Said Wali, while serving as a cook,</p>

in the respondent department, died in the year 1985 and at which time the petitioner was minor and on attaining the age of majority, he submitted an application to the respondents for his appointment against the quota meant for the children of deceased class-IV employees but to no avail, hence the petition in hand.

3. In the comments furnished by the respondents, though they have not denied the status of the petitioner to be son of the deceased Said Wali, but it has been asserted that the policy regarding the appointment of the children against the quota meant for the deceased class-IV employees is applicable to those individuals whose parents had died on or after 01.01.1988 while father of the petitioner passed away in the year 1985, therefore, the said policy is not attracted in his case. We are amused with such interpretation of the policy by the government functionaries. If at all a person has put in years long service, given his sweat for the department and died with his boots on, then the argument advanced by the respondent to deprive his children from the

	<p>benefits of such policy is ridiculous and smacks of apartheid being practiced at the government level. We understand that such beneficial policy shall for all intents and purposes have retrospective effect.</p> <p>For the reasons discussed above, we dispose of this petition in terms of directing the respondents to appoint the petitioner as and when a post becomes available by fully observing the quota meant for the children of such employees who die during service.</p> <p style="text-align: right;"><i>J U D G E</i></p> <p style="text-align: right;"><i>J U D G E</i></p>