

JUDGMENT SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

W.P. No. 1780/2021

Umer Ikhlas Sheikh

Versus

Federation of Pakistan, etc.

Petitioner by: Mr. Ghulam Qasim Bhatti, Advocate.

Respondents by: Raja Muhammad Aftab Ahmed, AAG.
Dr. Agha Ghulam Haider, Deputy Director
(Legal) M/o FE&PT.

Date of Decision: 15.07.2022.

MOHSIN AKHTAR KAYANI, J: Through this writ petition, the petitioner has prayed for issuance of direction to the respondents to appoint the petitioner on any suitable post according to qualification being elder son of deceased Ikhlas Hameed Sheikh, who died during service, in terms of PM Assistance Package, amended from time to time.

2. The writ petition has been contested by the respondents primarily on the ground that petitioner who is real son of late civil servant has not submitted his application within prescribed time and even he has passed his intermediate examination in 2018 and applied for the job on 26.10.2020 when he has attained the age of 21 years, according to rule, applicant has to apply for contract appointment within one year after the death of civil servant and on this score alone case of petitioner under PM Assistance Package is not adhered to.

3. On the other hand, learned counsel for the petitioner has submitted O.M dated 17.04.2018, whereby PM Assistance Package for families of Government Employees, who die in service is revised as *“the condition to apply for employment within one year under the Assistance Package as notified by the Establishment Division vide O.M No.8/10/2000-CP-I dated 06.08.2004 and O.M No.4/1/2005-CP-I dated 13.04.2005 is amended to the extent that the widow/widower or a child of a civil servant who dies during service may be entitled to apply for contract appointment as per maximum age limit prescribed for initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 1993”*, this aspect has been transmitted to respondents through learned AAG, who verified this O.M dated 17.04.2018, whereas today report submitted by learned AAG alongwith official of Ministry of FE&PT, whereby O.M dated 17.04.2018 has been confirmed as a result whereof the only objection on the appointment of petitioner has been removed and there is no clog upon the rights of petitioner qua his appointment in terms of PM Assistance Package.

4. Even otherwise, PM Assistance Package is a concept to accommodate the bereaved family of deceased civil servant, who lost their major earning member on one hand and their children were left with no future. In such scenario, the policy came to rescue those under privileged children and widow where one of the family members is accommodated on job against quota meant for children of deceased. This aspect has also been confirmed in 2018 PLC (C.S) 381 (Anwar Ali vs. Government of KPK through Chief Secretary, Peshawar and 3 others), 2007 PLC (C.S) 351 (Qamar Abbas vs. Market Committee and others).

5. In such scenario, instant petition is ***disposed of*** with direction to the respondents to reconsider the case of petitioner under PM Assistance Package in line with the O.M dated 17.04.2018 where child of civil servant, who died during service may be entitled to apply for contract employment as per maximum age limit prescribed for Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 1993. It is expected from the respondent department to do the needful within next two (02) months under intimation to this court.

(MOHSIN AKHTAR KAYANI)
JUDGE

Zahid