



## DECISION

POS/5924/2023/NFZ-66

Complaint No.	:	Mr. Asadullah, R/o Muhallah Scarp Colony, Distt, N' Feroze
Name and address of the complainant	:	Police Department
Name of the Agency Complained against	:	Khalid Shaikh, Regional Director, N' Feroze
Name & Designation of Investigating Officer	:	Fasihuddin Khan, Advisor 'Z'
Vetted by	:	
Subject	:	<u>ALLEGED DELAY IN THE APPOINTMENT OF THE COMPLAINANT AS POLICE CONSTABLE (PC) IN PLACE OF HIS FATHER WHO RETIRED ON THE BASIS OF INVALIDATION</u>

### THE COMPLAINT

Mr. Asadullah filed an online complaint on 01.08.2023 stating therein that he had applied for the post of Police Constable in place of his father who was a driver and retired on invalidation basis from Sindh Police in June, 2019. He applied for the post of PC against invalidation quota. He qualified written as well as physical running test and his name was placed in the list at Sr. No.292. On 10.07.2023, another list was issued in which his name was not recommended. He further stated that according to Rule IIA of the Sindh Civil Servant Appointment Act 1974 he was eligible to be appointed as PC on invalid retirement quota but the Police Department delayed his appointment and rejected him without any cogent reason. He, therefore, solicited intervention of this Institution for resolving his problem.

### PROCEEDINGS

2. The complaint was admitted u/s 10 of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991 (amended up to date) by condoning the delay, subject to submission of original signed complaint alongwith relevant documents, copy of CNIC and Affidavit on Form 'A'. For this purpose, a letter was written to the complainant on 31.08.2023. After receiving the required documents, the matter was taken up with the Additional Inspector General of Police (Establishment), Central Police Office, I.I. Chundrigar Road, Karachi for report vide letter dated 25.09.2023.

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3. In response, the AIGP Establishment-II, Police Department, Karachi submitted his report on 23.10.2023 stating therein that the Police Department cannot circumvent the law to make recruitment to the post of police constable on the basis of son/shaheed quota by issuing standing order or by invoking Rule IIA of Sindh Civil Servants (Appointment Promotion & Transfer) Rules-1974 and Sindh "Shaheed" Recognition and Compensation Act, 2014. The appointment of PC can only be made through competitive process on merit as provided under the recruitment rules and not otherwise. In this regard, Sindh Police Department had submitted draft rules regarding recruitment against shaheed and deceased quota to the Home Department, Government of Sindh for approval of Provincial Cabinet of Sindh which was approved and Sindh Police (Shaheed deceased and permanently invalidated or incapacitated) Recruitment Rules, 2021 were notified on 23.08.2021. It was further stated that the case of the complainant does not fall under "Permanently Invalidated" as per Rule 2(g) of the Recruitment Rules, 2021 which categorically defines the permanently invalidated or incapacitated police officer as declared invalidated by Medical Board on account of having sustained injuries during :

- (i) Encounter with terrorists/criminals
- (ii) In terrorist attack
- (iii) In Bomb Blast
- (iv) An act of violence during law and order situations including rioting.
- (v) Road accident while performing duty
- (vi) Duty to prevent loss of property, injury or death during pandemics, natural calamities and disasters like floods, earth quakes, fire etc.

4. The above report was forwarded to the complainant for rejoinder, if any, vide letter dated 24.10.2023. The complainant submitted rejoinder in which he reiterated that his father's eye sight became weak during service, therefore, Medical Board of seven doctors was constituted on 04.07.2019 at PMC SBA, in which the doctors disclosed that father of the complainant was invalid due to poor eyesight and declared him unfit for duty. On the basis of such report, his father was retired. After retirement of the applicant's father, he applied within a year and passed written physical and running test but the Sindh Police Recruitment Committee rejected his name on the basis that the applicant's father does not fall in seven categories of invalidation whereas he emphasized that he is fit for the post of PC as he has completed all required formalities on merit but the police department deliberately declared him unfit which is gross injustice.

(3)

5. The matter was fixed for hearing on 15.02.2024, attended by both the sides. Representative of the Agency stated that the case of the complainant does not fall in the seven categories mentioned in Recruitment Rules, 2021. The complainant was shown the Rules and asked whether his case falls within the seven categories. He argued that in case he did not fall within the specified categories, why he was called to appear for tests etc. May it be so, but we cannot go beyond the applicable rules to create his vested interest merely on the basis of appearance in the test and qualifying the same.

DECISION

6. In view of the above, the complaint is hereby disposed of as rejected.

**Given under my hand and seal of Office.**

