



DECISION

Complaint No. : POS/790-KHE-89-2020/G

Name and address of the complainant : Mst. Nizhat Khatoon Wd/o. Late Sahib Dino Suhriyani
C/o. Fayyaz Ahmed, 202, 2nd PK Square Shahrah-e-Faisal, Karachi

Name of the Agency Complained against : Municipal Committee, Kandhkot

Name & Designation of Investigating Officer : 1. Brig. Muhammad Jamil (Retd), Consultant-G.
2. Mr. Masood Ishrat, Registrar

Vetted by :

Subject : **DELAY IN PAYMENT OF SERVICE DUES AND FINANCIAL ASSISTANCE IN RESPECT OF DECEASED HUSBAND OF THE COPLAINANT AND NON-APPOINTMENT OF HER SON AGAINST DECEASED QUOTA.**

COMPLAINT.

Mst. Nizhat Khatoon Wd/o. Late Sahib Dino Suhriyani filed a complaint dated 12.02.2020 stating that her husband was working as Food Sample Officer (BPS-8) in Municipal Committee, Kandhkot and died during service on 9th February, 2019. She added that neither her son has been appointed against deceased quota nor the admissible service dues including financial assistance has been paid to her despite completion of formalities and approaches to authorities concerned. Having failed to get any response, she, solicited our intervention in the matter.

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).
3. After vigorous persuasion, the Agency vide letter dated 06.12.2022 reported that Rs.18,70,000/- has already been paid to the complainant and remaining amount of Rs.2,60,559/- would be paid after receipt of further funds from Government of Sindh. It has also been reported that her son Qudratullah is already working in Town Committee since the year 2012-13, hence request for appointment against deceased quota is not admissible.
4. The complainant in her initial rejoinder dated Nil (received in this Secretariat on 17.01.2023) confirmed receipt of remaining dues in installments and requested for appointment of her daughter against deceased quota as her son was appointed in the year 2012 and thus his appointment could not be treated as an appointment against deceased quota.
5. The Agency in its subsequent report dated 16.10.2023 while reiterating its earlier stance, as referred in para 3 above, attached copy of statement of complainant's son Qudratullah on judicial paper of Rs.15/= dated 21.12.2023, thereby intimating that his mother passed away on 11.9.2023 and that all the service dues with respect to his deceased father have already been paid by the concerned Agency. He also requested for help in appointment of his younger brother, presently underage, against deceased quota after attaining the age of 18 years.

FINDINGS

6. I have examined the case and observed that all the admissible service dues including financial assistance had been paid to the complainant, who passed away on 11.9.2023, as reported by her son. Regarding appointment of her son/daughter against deceased quota, the Agency intimated that her son Qudratullah has already been working with them since the year 2012, hence request for appointment against deceased quota was not admissible under the law. It is matter of fact that husband of the complainant died during service in the year 2019 whereas Mr. Qudratullah was appointed in the year 2012, therefore his appointment cannot not be termed as an appointment against deceased quota. The lady through her rejoinder dated Nil (received on 17.1.2023) requested for appointment of her daughter whereas her son Qudratullah, after death of his mother, requested for appointment of his brother, presently underage, against deceased quota, which cannot be ordered/ recommended in view of policy in vogue circulated by Law, Parliamentary Affairs & criminal Prosecution Department, Government of Sindh, vide circular No.D.Q-1(12)/2024/220 dated 26.12.2024 in view of orders dated 26.9.2024 passed by Hon'ble Supreme Court of Pakistan in Civil Petition No.3390/21.

DECISION

7. In view of above and in exercise of powers vested in me u/s 11 of the Establishment of the office of Ombudsman for the Province of Sindh Act, 1991 (amended up to date), I hereby dispose of the complaint as redressed and consign the same to record.

Given under my hand and seal of office.



Sd /-
(MUHAMMAD SOHAIL RAJPUT)
Sitara-e-Imtiaz: PAS
Ombudsman, Sindh

Karachi, dated the 24th January, 2025