

Order Sheet
IN THE HIGH COURT OF SINDH,
BENCH AT SUKKUR

Const. Petition No.D-1472 of 2018

Date of hearing	Order with signature of Judge.
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For Directions
For hearing of CMA 5794/2025(C/A)

25-11-2025

Mr. Alam Sher Khan Bozdar, Advocate for the petitioner.
Mr. Ali Raza Baloch, Additional A.G-Sindh a/w Muhammad Yaqoob, Additional Secretary, Works & Services Department, Bilal Ahmed Abro, Deputy Secretary (GA), SGA & CD, Mukhtiar Ahmed Samejo, Chief Engineer Highways, Sukkur and Sher Muhammad Mahesar, Chief Engineer, Buildings, Sukkur.

Learned AAG files compliance report on behalf of Secretary, Works & Services Department, Government of Sindh along with Speaking Order dated 14.11.2025, passed by the Chief Secretary, Sindh. On perusal of the speaking order, it reflects that only on the basis of the judgment of the Hon’ble Supreme Court dated 26.09.2024, reported as ***General Post Office Islamabad v. Muhammad Jalal (PLD 2024 SC 1276)***, the appointment of the petitioner was declined. It is made clear that this Court had already decided the present petition on 16.04.2024 in favour of the petitioner, wherein directions were issued to the respondents to consider the petitioner’s application for appointment on deceased quota in accordance with Rule 11-A of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974 within a period of sixty days.

Declining the case of the petitioner by the Chief Secretary, Sindh, solely on the basis of the aforesaid judgment of the Hon’ble Supreme Court, is completely unfair, as subsequent thereto, the Hon’ble Supreme Court, vide order dated 17.07.2025, passed in No.804-K to 807-K of 2025 (*Re-The Registrar, High Court of Sindh, Karachi and another v/s. Rehana and others*), has also protected those cases wherein the orders of the High Court had already been passed in favour of the petitioner(s) therein by observing in paras No.9&10, which reads as under:

“9. In a nutshell, the High Court in the present case passed the original judgment on 17.04.2024, whereas the judgment in the case of General Post Office (supra) was rendered by this Court on 26.09.2024, much after the decision of the High Court. The Administration Committee of the High Court on the anvil of aforesaid judgment, decided to withdraw the earlier policy which Civil Petitions No. 804-K of 2025, etc 8 was in force for dealing the appointments on deceased/retired employees’ quota but in all fairness, the said decision neither can affect the past judgments of this Court on the same subject nor its decision can be enforced with retrospective effect to subside/overrule, nullify or quieten down the effect or existence of original decision passed on 17.4.2024, which attained finality much earlier. The law declared by this Court will apply to the cases arising in future but the cases which have attained finality are protected and all actions taken contrary to the declaration of law prior to its date of declaration shall be deemed to be valid and binding. Therefore, in our view, the learned High Court rightly passed the order for implementation of its judgment and the Registrar, Sindh High Court and District Judge, Larkana had no lawful justification to challenge the order.

10. As a result of the above discussion, we do not find any illegality, perversity, or impropriety in the impugned order passed by the learned High Court. The Civil Petitions are dismissed and leave is refused”.

Under the circumstances, we deem it appropriate to set aside the speaking order dated 14.11.2025, passed by the Chief Secretary, Sindh, and once again direct the Chief Secretary, Sindh, to decide the case of the petitioner afresh in accordance with the order passed by this Court as well as the order dated 17.07.2025, passed in No.804-K to 807-K of 2025 (*Re-The Registrar, High Court of Sindh, Karachi and another v/s. Rehana and others*), and furnish a compliance report to this Court on the next date of hearing.

To come up on **12.01.2026**. Let copy of this order be communicated to Chief Secretary, Sindh as well as AAG for compliance.

JUDGE

JUDGE