

HIGH COURT OF SINDH CIRCUIT COURT, MIRPURKHAS

C.P No.D-607 of 2025

[Muhammad Awais vs. Province of Sindh and Others]

Before:

JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE RIAZAT ALI SAHAR

Rao Faisal Ali, advocate for petitioner(s)
Mr. Muhammad Sharif Solangi, Assistant A.G. Sindh

Date of hearing & decision: 19.11.2025

ORDER

ADNAN-UL-KARIM MEMON J.- The petitioner through this Constitutional Petition prays that he be declared eligible and respondents be direct to appoint him under deceased quota.

2. The case of the petitioner is that his father late Muhammad Akram was serving as PST in the Education & Literacy Department at Government Boys Primary Allah Jurio Khaskheli, Taluka Khipro, District Sanghar who died during on 10.02.2016 after serving for a considerable period. The deceased left behind the petitioner other children and widow. Since the death of his father, the petitioner and his family have been facing severe financial hardship, as they solely dependent upon the deceased. The petitioner applied for appointment under deceased quota as provided under Sindh Civil Servants (Appointment, Promotion & Transfer) Rules 1974, Section 11-A, which provides: *"Where a Civil Servant dies while in service, one of his children shall be provided a job in the department without observing prescribed formalities, if otherwise eligible."* Despite submitting all the required documents, the respondents have failed to appoint him, while appointing other persons to various posts. The respondents' inaction is illegal, discriminatory and in violation of the petitioner's fundamental, legal, constitutional rights.

3. The Assistant Advocate General primarily argued that the Supreme Court's recent judgment in *General Post Office Islamabad vs. Muhammad Jalal* (PLD 2024 SC 1276) rendered this Court's orders infructuous and unimplementable. He contended that, although the Supreme Court had stated that its judgment would not affect already decided cases, the cases of

the appellants were still pending and therefore the judgment should apply to these matters.

4. The Supreme Court, after considering the submissions of the parties observed that the judgment in *General Post Office Islamabad vs. Muhammad Jalal* (PLD 2024 SC 1276), delivered on 26th September 2024, applies **prospectively** and not retrospectively. The pleas raised by the petitioner had already been considered by the Supreme court. Consequently, the instant petition is dismissed.

JUDGE

JUDGE

Karar_Hussain/PS*