

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, MIRPURKHAS
C.P.No.D-646 of 2024

DATE

ORDER WITH SIGNATURE OF JUDGE

26.11.2025

Petitioner present in person.
Mr. Muhammad Sharif Solangi, AAG.
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This Court vide order dated 26.08.2024, directed Secretary Education to be in attendance to submit compliance report however, order passed by this Court was assailed before the Supreme Court whereby THE Hon'ble Supreme Court passed the following order.

“In all aforesaid cases, the impugned orders of the High Court are germane to the niceties of Rule 11-A of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules 1974. The Appellants before the High Court claimed their appointment on the basis of the deceased quota and according to them they have applied within the cut-of-date when the right to apply accrued to them. The learned High Court in all four cases issued certain directions in terms of Rules 11-A of the aforesaid rules and also fixed timelines for compliance of the orders. The Government of Sindh challenged all such orders on different grounds, but predominantly learned Addl. Advocate General argued that in terms of the latest judgment passed by this Court in the case of General Post Office Islamabad vs. Muhammad Jalal (PLD 2024 SC 1276), all impugned orders passed by the High Court have become Infructuous and cannot be implemented. He rigorously read the last paragraph of the said judgment and submitted that though the implementation of the Judgment of this Court in very clear terms mentioned that it will not affect the already decided cases but, according to the Addl. Advocate General, since the issue of appointment of the employees in these four petitions, the matters are pending, therefore, the judgment of the Supreme Court is applicable in all fours.

2. We have considered the arguments of the learned Addl. Advocate General but the ground reality that this Court rendered the

judgment in Muhammad Jalal case supra on 26th September 2024, while all the impugned orders passed by the High Court much before the date of aforesaid judgment where the interpretation of Rule 11-A of APT Rules 1974 was involved before the learned Divisional Benches of the High Court and they within the parameter of law decided the cases with certain directions which have not been complied with. Therefore, at this stage the appellants cannot take the shelter of the Supreme Court's Judgment, which will obviously be applied prospectively and not retrospectively i.e. 26th September 2024. So far as the merits of the impugned orders are concerned, we have considered aforesaid Impugned orders and do not find any justification to cause any Interference. We have also noted that pleas advanced by the appellants at the time of granting leave were also considered by the High Court. All appeals are dismissed.”

Today, learned A.A.G has filed statement on behalf of the Secretary Education and literacy Department with the following narrations:-

“That, this Honourable High Court, vide order dated 07-05-2024, was pleased to pass an order in the instant petition.

“That, against the aforesaid order, the School Education & Literacy Department, Government of Sindh, preferred Civil Petition for Leave to Appeal (CPLA) No. 115-K/2024 before the Honourable Supreme Court of Pakistan.

That, the Honourable Supreme Court of Pakistan, vide order dated 02-09-2025, was pleased to dismiss the appeal filed by the Province of Sindh.

That, thereafter, the Province of Sindh filed Civil Review Petition No. 54-K/2025 in Civil Appeal No. 115-K/2024, arising out of Civil Petition No. 669-K/2024, against the order of the Honourable Supreme Court of Pakistan passed in Civil Appeal No. 115-K/2024. The said Civil Review Petition is presently pending adjudication before the Honourable Apex Court.

It is, therefore, most humbly prayed that this Honourable Court may graciously be pleased to adjourn the instant matter till the final decision of Civil Review Petition No. 54-K/2025, pending before the Honourable Supreme Court of Pakistan, in the interest of justice.”

It is specifically directed that though their appeal before the Supreme Court was dismissed however, still they are reluctant to allow the petitioner to join duties based on the analogy that their review application is pending before

the Supreme Court. Their stance is hereby discarded and they are warned to be carefully in future and allow the petitioner to join the duty forthwith. In case of failure action in terms of Article 204 of the Constitution shall be taken against alleged contemnors without further notice. He shall also be in attendance. Let a cost of Rs.500,000/-be imposed upon the Secretary Education, which shall be deposited from his personal account.

To come up on 03.12.2025.

JUDGE

JUDGE

Ahmed/Pa,