

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Constitution Petition No. D- 1830 of 2025

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Before;

Adnan-ul-Karim Memon, J;
Abdul Hamid Bhurgari, J;

Petitioners Junaid Ahmed Naich **through** Mr. Ishfaqe Ahmed Siyal
advocate.

Province of Through Mr. Zulfiqar Ali Naich, Assistant Advocate
Sindh & others General, Sindh along with Ishfaqe Ahmed Bhatti,
Assistant Agricultural Engineer Field Ghotki.

Date of hearing and order: 08-06-2026.

ORDER.

Adnan-ul-Karim Memon J:- Petitioner Junaid Ahmed Naich has filed the instant Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking direction for appointment in terms of the deceased quota policy.

2. It is inter alia stated that the petitioner's father, Ali Gul, was serving as a Bulldozer Operator in BPS-07 in the Agricultural Engineering Department, Sukkur, and passed away during service on 01.02.2023, after his death, the petitioner submitted an application for appointment under the deceased quota in place of his late father. Respondent No.3, upon receipt of the application, issued a letter to Respondent No.5 for verification of the petitioner's documents. Accordingly, Respondent No.5 verified the said documents through letter No. GB/189/124 dated 13.03.2024. Thereafter, the petitioner approached Respondent No.2 for appointment under the deceased quota in terms of the Government policy issued by the Services, General Administration & Coordination Department, Karachi vide letter No. SOR(S&GD)/2-3/02(P-III) dated 30.07.2011. Respondent No.2 entertained the application and issued letter No. DG/AE/Admin(M-52)/1110/2024 dated 11.10.2024, recommending the petitioner's appointment on

compassionate grounds on same post of Store Attendant (BPS-04). However, nothing has been done yet.

3. Learned counsel for the petitioner contends that the petitioner's case falls within the ambit of the government policy regarding the deceased quota and is liable to be decided accordingly. He prayed to allow this petition.

4. Learned AAG seeks the disposal of the instant petition in terms of the latest amendment vide notification dated 30.4.2026. However, he added that upon receipt of the petitioner's application, the case for appointment under the deceased quota was forwarded by Respondent No.3 vide letter dated 29.01.2024. Thereafter, after scrutiny and verification of documents, the case was forwarded by Respondent No.2 to the Administrative Department, Government of Sindh, through the proper channel vide letter dated 11.10.2024. It is further submitted that while the petitioner's case was under consideration before the Departmental Recruitment Committee (DRC), the Government of Sindh, Services, General Administration & Coordination Department, issued a notification dated 11.12.2025 amending the relevant rules and omitting Rule 11-A, with certain conditions regarding pending deceased quota cases. Subsequently, another letter dated 18.12.2025 was issued for the implementation of the Supreme Court's directions regarding the omission of Rule 11-A. Later, a further amendment notification dated 30.04.2026 was issued, and the matter is still under process, with further directives from the DRC awaited. It is stated that the petitioner's case will be considered strictly in accordance with the applicable rules and policy as and when finalized. In view of the above position, he prayed accordingly.

5. We have heard the learned counsel for the parties and perused the record with their assistance.

6. In view of the foregoing facts and circumstances, it appears that the petitioner's case for appointment under the deceased quota has already been duly processed at the departmental level. The record reflects that upon submission of the application, the same was forwarded by the competent authority for verification, which was completed by Respondent No.5 through a letter dated 13.03.2024. Thereafter, Respondent No.2, after due scrutiny, forwarded the case to the Administrative Department, Government

of Sindh, vide letter dated 11.10.2024, thereby acknowledging prima facie entitlement of the petitioner to consideration under the applicable policy.

7. It further transpires that the petitioner's case has not been finally adjudicated on merits by the competent Departmental Recruitment Committee (DRC), and remains pending in an administrative process, which has been affected by successive amendments in the relevant rules, particularly the omission of Rule 11-A through notification dated 11.12.2025, followed by subsequent clarificatory and implementing notifications dated 18.12.2025 and 30.04.2026.

8. It is a settled principle of law that a vested right of consideration under a prevailing policy cannot be defeated arbitrarily, and that cases which are already in the pipeline at an advanced stage are ordinarily to be decided in accordance with the law and policy applicable at the time of accrual of right of consideration, unless the amended policy expressly or by necessary implication provides retrospective withdrawal of such accrued rights. Moreover, administrative authorities are bound to act fairly, reasonably, and in accordance with the doctrine of legitimate expectation, particularly in matters relating to compassionate appointments, which are intended to provide immediate financial relief to the bereaved family of a deceased employee.

9. In the present case, since the petitioner's application has already been processed, verified, and recommended at the departmental level, and only the final decision by the competent forum remains pending, the matter cannot be kept in indefinite abeyance based on subsequent policy changes without a clear determination of their retrospective effect. Any such delay would defeat the very purpose of the deceased quota policy, which is benevolent in nature and designed to mitigate hardship.

10. Accordingly, the competent authority of the respondents is directed to finalize the petitioner's case expeditiously, strictly in accordance with law, keeping in view the stage at which the case was pending at the time of policy amendments, and after providing due consideration to the doctrine of legitimate expectation and fair administrative treatment. The respondents are directed to ensure

that the matter is not unnecessarily prolonged and is decided within a two-week time under intimation to the petitioner.

11. Without touching the merits of the case and with the consent of the parties, this petition stands disposed of in the above terms with pending applications.

J U D G E

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Hizbullah/Steno.