

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA
Constt: Petition No.D-675 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
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For hearing of M.A.No.279/2026. (Contempt Application)

12.08.2026

M/S. Muhammad Afzal Jagirani & Safdar Ali Ghouri, Advocates for the Petitioner.

Mr. Mohsin Ali Khan, Assistant Advocate General, Sindh alongwith Mr. Tariq Manzoor Chandio, Deputy Commissioner, Larkana, Mr.Allah Bux Soomro, Director (ES&HS), Larkana Region on behalf of the Secretary School Education Sindh and Mr. Abdul Rasheed Chandio, D.E.O (ES&HS), Larkana.

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Statements are filed by the official respondents through learned Assistant Advocate General, Sindh. The order dated 28.07.2026, passed by the Secretary, School Education & Literacy Department, Government of Sindh, Karachi, is not satisfactory, in view of Para No.07 and 11 of the order dated 09.10.2025, passed by this Court.

Para(s) No.07 & 11 are reproduced as under;-

7. *The employment in a civil service is a source of earning livelihood for the families of deceased employees; denial of such a right in a casual manner is never warranted under the law. It is duty of the administrative department in which deceased employee worked to inform in time to his family the accrual of any of the benefits or rights in their favor on the death of employee while in service. The father of the Petitioner was low paid employee and Petitioner too appears to be laymen, the laxity on the part of the department to provide relief to the bereaved family available under the law cannot in any manner be attributed to the Petitioner, which tilts to the Respondents as is apparent from their conduct to decide fate of application moved by Petitioner since last nine years, and Petitioner is before this Court. The Department has acted with gross negligence in Petitioner's case; he should have been given equal treatment as meted out to the children of other employees who became entitled to get benefit of Rule 11–A of APT Rules during intervening period. It is duty of the concerned department to provide all benefits in time to the bereaved family, the provisions of employment under deceased quota were a beneficial subordinate legislation and cleared an ambiguity in existing service rules regarding the appointment of children of employees who died during service or became incapacitated to perform the service further. Thus the interpretation of such legislation would be construed in a liberal prospective.*

11. We have carefully examined the case of Petitioner; in our view denial of job to the Petitioner under deceased quota would be an act of discrimination, as it appeared from record that the petitioner was not dealt in accordance with law. Petitioner has suffered due to red-tapism and lethargy of the department, which violated his fundamental rights enshrined under articles 4, 5, 9, 25 and 27 of the Constitution. Case of the petitioner was pending adjudication before competent authority for consideration since 2003 and by that time policy regarding employment of children of ex-employees, who died while in services or retired being incapacitated to further perform services was in force/vogue, therefore, the same shall not be affected in any manner by the Judgment of Honorable Supreme Court in the case of Muhammad Jalal (Supra).

Therefore, issue show-cause notice to the Secretary, School Education & Literacy Department, Government of Sindh, Karachi, as to why the contempt proceedings shall not be initiated against him.

To come up on **27.08.2026, at 11.30 A.M.** Let copy of this order be communicated to the Secretary, School Education & Literacy Department, Government of Sindh, Karachi.

JUDGE

JUDGE

Tariq Hussain.../***

Ok.