

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 572 of 2025

[Muhammad Usama v. Province of Sindh and others]

Before:
Justice Arbab Ali Hakro
Justice Muhammad Osman Ali Hadi

Petitioner by : Nemo

Respondents by : Mr. Ghulam Abbas Kubar, Assistant Advocate General Sindh along with Javed Ahmed Channa, Focal Person of District Education Officer (Primary), Sukkur

Date of Hearing : **13.08.2026**

Date of Decision : **13.08.2026**

ORDER

ARBAB ALI HAKRO J. – The petitioner is not present. However, since a statement has been filed on behalf of respondent No.3, District Education Officer (Primary), Sukkur, acknowledging that the petitioner’s claim is yet to be examined by the Departmental Scrutiny Committee constituted pursuant to the Notification dated 07.05.2026, and as the matter can appropriately be dealt with in view of the subsequent developments, we proceed to decide the instant petition on the basis of the available record.

2. The petitioner’s father, late Khalid Rasheed, was serving as Primary School Teacher in the Education Department, Government of Sindh and died during service on 30.10.2023. The petitioner submitted an application for appointment as Junior Clerk against the deceased quota on 06.12.2023, which was duly forwarded through the proper channel by the Taluka Education Officer Primary (Male), Taluka Sukkur City, vide endorsement dated 06.12.2023. The record further shows through the Child Registration Certificate and Family Registration Certificate that the petitioner was born on 15.11.2006 and was, therefore, a minor at the time of death of his father. He attained majority on 15.11.2024.

3. Respondent No.3, in his statement, has submitted that the legal framework governing appointments under the deceased quota underwent a significant change pursuant to the judgment of the Hon’ble Supreme Court

of Pakistan reported as **PLD 2024 SC 1276** (General Post Office case), pronounced on 26.09.2024, whereby the law relating to compassionate appointments was authoritatively settled. In compliance with the said judgment, the Government of Sindh, Services, General Administration & Coordination Department, vide Notification dated 19.12.2024, omitted Rule 11-A from the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974. It has further been stated that the Hon'ble Federal Constitutional Court of Pakistan, vide order dated 27.02.2026 passed in **F.C.P.L.As. No. 508, 591, 346, 347, 348, 589, 267, 593, 130 and 353 of 2025**, held that cases in which the right of appointment had already accrued prior to 26.09.2024 may be considered in accordance with the law applicable at the relevant time. It is also stated that, pursuant thereto, the Provincial Cabinet approved the insertion of a proviso to Rule 11-A and the Services, General Administration & Coordination Department issued Notification dated 30.04.2026, providing that cases in which the right to employment had accrued prior to 26.09.2024 shall be decided by the respective Administrative Departments in accordance with the omitted Rule 11-A and on their own merits. The respondent has further submitted that the School Education & Literacy Department constituted a Departmental Scrutiny Committee vide Notification dated 07.05.2026 for scrutiny of such pending claims and that the petitioner's case has not yet been examined by the said Committee.

4. The Notification dated 30th April 2026, issued by the Services, General Administration & Coordination Department (Regulations Wing), Government of Sindh, amended the legal position created after the omission of Rule 11-A *ibid*. It expressly provides that where a right to employment had accrued prior to 26.09.2024, the legal heir shall not be deprived of the benefit accrued and shall be considered and decided at the level of the Administrative Department, on merit and in accordance with all provisions of the omitted Rule 11-A *ibid*.

5. On the admitted facts, the petitioner's father expired while in service on 30.10.2023 and the petitioner submitted his application for appointment against the deceased quota on 06.12.2023, which was forwarded through the departmental channel on the same date. His claim, therefore, was initiated and remained pending consideration well before the cut-off date of

26.09.2024. The fact that the petitioner was a minor at the relevant time and attained majority on 15.11.2024 is also a matter which requires consideration by the competent authority in the light of the applicable law, rules and the protective mechanism introduced vide Notification dated 30.04.2026. His case, consequently, falls squarely within the protective ambit of the saving proviso and cannot be defeated by the subsequent omission of Rule 11-A or by the interpretation rendered in **PLD 2024 SC 1276**.

6. In view of the statutory mandate contained in the Notification dated 30.04.2026, and the constitution of the Departmental Scrutiny Committee vide Notification dated 07.05.2026, the matter is referred to the concerned Administrative Department / Departmental Scrutiny Committee, who shall consider and decide the petitioner's claim strictly in accordance with the saved Rule 11-A, the said Notification and the applicable service rules, by passing a reasoned and speaking order within a period not exceeding **ninety (90) days** from the date of receipt of this order.

7. Office is directed to communicate copy of this order to the concerned Administrative Department / Departmental Scrutiny Committee and the District Education Officer (Primary), Sukkur, for compliance through all modes including electronic mode.

With these observations, the instant petition stands **disposed of**.

J U D G E

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Abdul Basit