IN THE HIGH COURT OF SINDH AT KARACHI

Before
Mr. Justice Riazat Ali Sahar,
Mr. Justice Ali Haider 'Ada',

C. P No. D- 7041 OF 2026
(Abdul Basit V. Province of Sindh & 2 others)

Petitioner	:	Through Mr. Ubedullah Ghoto, Advocate
Official Respondents	:	Through Mr. Zohaib Zulfiqar Sarki, Addl. A.G., Sindh.
Date of hearing & order	:	**02.11.2026**

O R D E R

RIAZAT ALI SAHAR, J.- Through the instant constitutional petition, the petitioner prays for a writ for appointment to a post of Stenographer/Clerk or any other equivalent post as per his qualification, on the deceased quota under the erstwhile Rule 11-A of the Sindh Civil Servants (Appointment, Promotion & Transfer), Rules, 1974 [APT Rules).

2. Learned counsel for the petitioner contends that the petitioner is the son and legal heir of the deceased employee, who was serving as Junior Clerk (BPS-11) in the District and Sessions Court, Ghotki (Respondent No.3), and died during service on 02.09.2022. It is argued that, after fulfilling all codal formalities, the petitioner submitted an application dated 24.01.2023 before Respondent No.3, seeking appointment against the deceased employee's quota to the post of Stenographer/Clerk. It is further contended that the petitioner also approached the Hon'ble Chief Justice through Registrar, High Court of Sindh (Respondent No.2), whereupon his application was forwarded to Respondent No.3 vide Office Letter

No.HCAdmn/00565 dated 13.04.2023. Learned counsel further submits that, despite the petitioner's pending claim, an advertisement was published in the newspaper pursuant to Office Order No.EB/9170/2026 dated 17.10.2026, inviting applications for fresh appointments in the office of Respondent No.2, without considering the petitioner's claim in accordance with law. Hence, the instant petition.

3. In view of the foregoing, when this Court proposed to the learned counsel for the petitioner to confine his prayer to the extent of their appointment against the Deceased Quota, without pressing the other ancillary and multiple prayers made in the petition, learned counsel, upon instructions, graciously accepted the proposal and agreed to press the petitioner's claim for appointment against the available vacancies reserved under the Deceased Quota, strictly in accordance with law and the applicable policy.

4. That provision had been declared unconstitutional by the Supreme Court of Pakistan in the case of General Post Office, Islamabad v. Muhammad Jalal (PLD 2024 SC 1276), whereafter Rule 11-A was omitted from the APT Rules. However, the learned Additional Advocate General Sindh present in Court in other matters waives notice and draws attention to a recent notification dated 30.04.2026, issued by the Government of Sindh to insert a proviso to the omission of Rule 11-A, which reads:

> "*Provided that if a right of employment had already accrued to any of the children or, as the case may be, spouse of the civil servant, he or she shall not be deprived of the benefit accrued to him or her prior to the judgment of the Hon'ble Supreme Court of Pakistan dated 26.09.2024, passed in Civil Petition No. 3390 of 2021. notwithstanding the omission of Rule 11-A thereunder, as observed by the Hon'ble Federal Constitutional Court of Pakistan vide order dated 27.02.2026 in F.C.P.LA Nos. 508, 591, 346, 347, 348, 589, 267, 593, 130 and 353 of 2025, and shall be considered and decided at the level of the Administrative Department, on merit and in*

accordance with all provisions of omitted Rule 11-A of the Rules ibid".

5. Learned Additional Advocate General Sindh submits that reading said notification with the Sindh Government Rules of Business, all applications for appointment on the deceased quota will now be decided by the Administrative Head of the concerned department.

6. In view of the foregoing development, we refer the petitioner to the District and Sessions Judge, Ghotki/Respondent No.3, for assessing the petitioner's case under aforesaid Notification dated 30.04.2026.

7. Instant petition stands **disposed of** in the said terms alongwith pending application(s), if any.

JUDGE

JUDGE

M. Khan