

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

C. P No. D-1049 of 2025

Before

Mr. Justice Riazat Ali Sahar,

Mr. Justice Ali Haider 'Ada',

Petitioner : Shoaib Ali son of Muhammad Ali Markhand

Respondents : Through Mr. Mohsin Ali Khan, Asst. A.G. Sindh.

Date of hearing : 08-09-2026

Date of order : 08-09-2026

ORDER

RIAZAT ALI SAHAR, J.- Through the instant constitutional petition, the petitioner prays for a writ for appointment to a post in the Food Department, Government of Sindh on the deceased quota under the erstwhile *Rule 11-A* of the Sindh Civil Servants (Appointment, Promotion & Transfer), Rules, 1974 [APT Rules). 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 A.A.G. Sindh present in the Court in some other matters, waives notice of instant petition and draws attention to Order dated 27.02.2026, passed by the Hon'ble Federal Constitutional Court of Pakistan in *F.C.P.L.A.Nos.508, 591, 346, 347, 348, 589, 267, 593, 130 and 353 of 2025 in the case of The Province of Sindh v. Muhammad Rizwan Khan & others* and 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*".

Learned A.A.G. 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, as the father of the petitioner expired on 28.05.2025.

In view of the foregoing development, we refer the petitioner to the Secretary, Food Department, Government of Sindh, Karachi, for assessing the petitioner's application under aforesaid Notification dated 30.04.2026.

Petition stands **disposed of** in the said terms.

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Manzoor