

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 2209 of 2025

[Ghulam Kazim v. The Government of Sindh and others]

Before:

Justice Arbab Ali Hakro

Justice Muhammad Osman Ali Hadi

Petitioner by : Mr. Jawad Hussain Rajper, Advocate,
holding brief for Mr. Mujahid H. Bhutto

Respondents by : Mr. Saeed Ahmed Wassan, Assistant
Advocate General Sindh along with Irshad Ali,
Assistant Agricultural Engineer, Khairpur

Date of Hearing : **09.09.2026**

Date of Decision : **09.09.2026**

ORDER

ARBAB ALI HAKRO J. – This constitutional petition concerns the effect of the omission of Rule 11-A of the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974 and the subsequent Notification dated 30.04.2026, which preserves all accrued rights of legal heirs of deceased civil servants prior to 26.09.2024.

2. The petitioner’s father, the late Muhammad Jaral Khan Tunio, was serving as a Fitter in the Agriculture Engineering Workshop, Khairpur, and died in service on 13.09.2009. At the relevant time, the petitioner was a minor. It is the petitioner’s case that, after attaining majority on 13.02.2012, he submitted an application for appointment against the deceased quota within the prescribed period. However, the application on record is neither signed nor dated. Another application dated 20.01.2017 is also on record.

3. The petitioner has relied on the departmental record and documents showing that his case was processed by the relevant authorities and that his documents, including the heirship certificate, domicile, PRC and educational credentials, were verified. It is submitted that the delay in finalizing the

petitioner's case is attributable to the respondents and that he is entitled to consideration for appointment against the deceased quota.

4. Learned AAG Sindh, under cover of his two separate statements, has filed statements of respondents No. 2 and 3, which are taken on record.

5. We have heard the learned counsel for the petitioner as well as the learned AAG Sindh and have perused the material on record.

6. Recently, the Notification dated 30th April 2026, issued by the Services, General Administration & Coordination Department (Regulations Wing), Government of Sindh, amends the legal position arising from the omission of Rule 11-A *ibid*. It expressly provides that where a right of employment had accrued prior to 26.09.2024, the legal heir shall not be deprived of the accrued benefit 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*.

7. On the facts emerging from the record, the petitioner's father died while in service on 13.09.2009, and the petitioner was a minor at the relevant time. The petitioner claims to have submitted an application after attaining majority on 13.02.2012 and within the period prescribed under the then-prevailing Rule 11-A; however, the application on record is unsigned and undated. Another application dated 20.01.2017 is also on record.

8. The observations of this Court in the unreported case of *Ihsanullah Mahar v. Province of Sindh and others* (**C. P. No. D-552 of 2021**) recognize the beneficial nature of Rule 11-A and that a minor legal heir cannot be deprived of the benefit of that provision merely because of circumstances beyond his control. The petitioner's claim, therefore, requires examination in light of that principle and the departmental record.

9. In view of the statutory mandate contained in the Notification dated 30.04.2026, the matter is referred to the concerned Administrative Department, which shall examine the petitioner's claim under the then-prevailing Rule 11-A prior to 26.09.2024, including the application claimed to

have been submitted after attaining majority on 13.02.2012 and the subsequent application dated 20.01.2017. The claim shall thereafter be considered and decided strictly in accordance with the saved Rule 11-A, the Notification dated 30.04.2026, and the applicable service rules, by passing a reasoned and speaking order within ninety (90) days of receipt of this order. With these directions, the instant petition stands **disposed of**.

10. Office is directed to communicate a copy of this order to the concerned Administrative Department through all available modes, including electronic transmission, for compliance.

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Abdul Basit