

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 792 of 2026

[Shahzad Ahmed Chachar v. Province of Sindh and others]

Before:
Justice Arbab Ali Hakro
Justice Muhammad Osman Ali Hadi

Petitioner by : Nemo

Respondents by : Mr. Saeed Ahmed Wassan, Assistant Advocate General Sindh along with Ghulam Murtaza Shah, District Education Officer (E,S&HS), Sukkur

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 Saeed, served as a Masjid School Teacher in the Education Department of the Government of Sindh and died in service on 11.01.2010. At the relevant time, the petitioner was a minor, having been born on 01.05.2003. The petitioner attained majority on 01.05.2021 and thereafter submitted an application for appointment against the deceased quota. The application, along with the relevant documents, was duly processed and forwarded by respondent No.6 through the departmental channel.

3. Learned Counsel for the petitioner submits that the petitioner was a minor at the time of death of his father and, after attaining majority, applied for appointment under the deceased quota while Rule 11-A was still in force. It is further submitted that the petitioner’s case was processed by the

concerned authorities and that any subsequent delay is attributable to the department.

4. Learned AAG Sindh has filed a statement of respondent No.4, which is 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. It is borne out from the record that the petitioner had earlier approached this Court by filing C. P. No. D-2206 of 2025, which was dismissed in limine vide order dated 24.02.2026 in view of the judgment of the Supreme Court in *General Post Office, Islamabad v. Muhammad Jalal*, reported as **PLD 2024 SC 1276**. Subsequently, however, the Notification dated 30th April 2026 was issued by the Services, General Administration & Coordination Department (Regulations Wing), Government of Sindh, which provides protection to accrued rights existing prior to 26.09.2024 and directs that such claims shall be considered and decided by the Administrative Department on merit and in accordance with all provisions of omitted Rule 11-A *ibid*.

7. On the facts emerging from the record, the petitioner's father died while in service on 11.01.2010; the petitioner was a minor at the relevant time and attained majority on 01.05.2021. Thereafter, the petitioner submitted an application for appointment against the deceased quota, which was duly processed and forwarded by respondent No.6 with the relevant documents. Accordingly, the petitioner approached the department, and his claim was under consideration well before the cut-off date of 26.09.2024. In these circumstances, his claim falls within the protective ambit of the Notification dated 30.04.2026 and requires consideration in accordance with the saved Rule 11-A, notwithstanding the earlier dismissal of C. P. No. D-2206 of 2025 in view of **PLD 2024 SC 1276**. The subsequent Notification dated 30.04.2026 expressly preserves accrued rights arising prior to 26.09.2024.

8. 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 consider and decide the petitioner's claim strictly in accordance with the saved Rule 11-A, the said Notification and the applicable service rules, and pass a reasoned and speaking order within ninety (90) days of receipt of this order. With these directions, the instant petition stands **disposed of**.

9. 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