

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 728 of 2026

[*Imtiaz Ali Chang v. Province of Sindh and others*]

Before:

Justice Arbab Ali Hakro

Justice Muhammad Osman Ali Hadi

Petitioner by : Mr. Riaz Ahmed Ghumro, Advocate

Respondents by : Mr. Shahryar Imdad Awan, Assistant Advocate General Sindh

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 and children of civil servants declared invalidated or incapacitated for further service prior to 26.09.2024.

2. The petitioner’s father, Illahi Bux Chang, served as an Assistant in the Directorate of School Education (Elementary, Secondary & Higher Secondary), Sukkur Region, and retired from service on invalidation on 26.12.2022. Thereafter, the petitioner submitted an application for appointment against the invalidation quota, accompanied by his educational and other relevant documents. The application was duly forwarded by respondent No.2 to the Secretary, School Education & Literacy Department, Government of Sindh, vide letter No. DSE/ES&HS/Admn-III/86/2023-24 dated 09.08.2023.

3. Learned Counsel for the petitioner, filing a statement, submits that the petitioner is otherwise qualified and that his application for appointment under the invalidation quota was duly processed and forwarded by the concerned department, but that no final decision has yet been communicated to him.

4. Learned AAG Sindh has filed the statement of respondent No. 2, which has been taken on record. Referring to the said statement, he submits that the petitioner's case has been scrutinized and forwarded to higher authorities for consideration and appointment against the invalidation quota.

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. Rule 11-A of the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974, as then prevailing, provided, inter alia, that where a civil servant died while in service or was **declared invalid or incapacitated for further service**, one of his children was to be provided with a job in the department in which the civil servant was working, without observance of the prescribed formalities, if such child was otherwise eligible for the post.

7. 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*.

8. On the facts emerging from the record, the petitioner's father retired from service on invalidation on 26.12.2022, when Rule 11-A was still in force. The petitioner thereafter submitted his application for appointment against the invalidation quota, which was duly forwarded by respondent No.2 vide letter dated 09.08.2023. Accordingly, the petitioner's claim for appointment against the invalidation quota accrued prior to the cut-off date of 26.09.2024. The petitioner, therefore, cannot be deprived of the benefit of the accrued right merely on account of the subsequent omission of Rule 11-A or the interpretation rendered in **PLD 2024 SC 1276**. His claim is accordingly required to be considered in accordance with the saved Rule 11-A, the Notification dated 30.04.2026, and the applicable service rules.

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 consider and decide the petitioner's claim strictly in accordance with the saved Rule 11-A, the said Notification and the applicable service rules, including the petitioner's eligibility for the post and the availability of a suitable post in the concerned department, 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**.

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