

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 1255 of 2026

[Mir Naimatullah Shaikh v. Province of Sindh and others]

Before:

Justice Arbab Ali Hakro

Justice Muhammad Osman Ali Hadi

Petitioner by : Mr. Deedar Ali Chohan, Advocate

Respondents by : Mr. Zulfiqar Ali Naich, 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 the accrued rights of legal heirs of deceased civil servants prior to 26.09.2024.

2. The petitioner’s father, the late Inayatullah Shaikh, served as Head Clerk in the Public Health Engineering Department, Government of Sindh. He died in service on 09.07.2011. At the relevant time, the petitioner was a minor, having been born on 20.03.2000, as reflected in the Family Registration Certificate issued by NADRA. The petitioner attained majority on 20.03.2018. His mother had already submitted an application on 07.09.2011 for the appointment of her son, the petitioner, against the deceased quota. The application was forwarded through the proper channel, along with the relevant documents, by the Superintending Engineer, Public Health Engineering Circle, Sukkur, vide letter dated 09.09.2011. The case was thereafter processed by the concerned authorities after verification of the documents. The petitioner subsequently submitted an application for his appointment after attaining majority.

3. 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 benefit accrued 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*.

4. On the facts emerging from the record, the petitioner's father died while in service on 09.07.2011. The petitioner was a minor at the relevant time and attained majority on 20.03.2018. An application had already been submitted on his behalf by his mother for appointment against the deceased quota on 07.09.2011. It was thereafter forwarded through the departmental channel, and the case was processed by the concerned authorities. The petitioner also submitted an application after attaining majority. The claim, therefore, requires consideration in the light of the application submitted on his behalf during his minority, the subsequent departmental processing, the applicable provisions of the then-prevailing Rule 11-A, the Notification dated 30.04.2026, and the principles governing the prospective operation of the judgment rendered in *General Post Office, Islamabad and others v. Muhammad Jalal*, reported as **PLD 2024 SC 1276**, particularly insofar as the said judgment does not operate to defeat rights already accrued prior to its pronouncement/omission of Rule 11-A.

5. 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, speaking order within ninety (90) days of receipt of this order. With these directions, the instant petition stands **disposed of**.

6. 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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