

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 1364 of 2026

[Amjad Ali v. Province of Sindh and others]

Before:

Justice Arbab Ali Hakro

Justice Muhammad Osman Ali Hadi

Petitioner by : Mr. Amjad Ali Gabol, Advocate

Respondents by : Mr. Ghulam Abbas Kubar, 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 prior to 26.09.2024.

2. The petitioner’s father, the late Ghulam Murtaza, served as a Primary School Teacher in the Education Department, Government of Sindh and died in service on 08.12.2008. At the relevant time, the petitioner was a minor, having been born on 03.04.2004. The petitioner attained majority thereafter and submitted an application for appointment against the deceased quota. The application was received under the letter dated 31.10.2022 of the District Education Officer (Primary), Ghotki, and was duly forwarded by respondent No.3, along with the relevant documents, vide letter dated 22.11.2022.
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, submitted an application for appointment against the deceased quota, which was duly processed and forwarded by the concerned authorities. It is further submitted that the petitioner’s case remained pending before the department, and any delay is attributable to the respondents.
4. Learned AAG Sindh has filed para-wise comments of respondent No.4, 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 08.12.2008; the petitioner was a minor at the relevant time, having been born on 03.04.2004. The petitioner attained majority thereafter and submitted his application for appointment against the deceased quota. The application was received under the letter dated 31.10.2022 of the District Education Officer (Primary), Ghotki, and was duly forwarded, along with the relevant documents, by respondent No.3 vide letter dated 22.11.2022. Thus, the petitioner's claim was brought before the department and duly processed prior to the cut-off date of 26.09.2024. His claim therefore falls within the protective ambit of the Notification dated 30.04.2026 and cannot be defeated merely on account of the subsequent omission of Rule 11-A or the judgment rendered in **PLD 2024 SC 1276**.

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.

J U D G E

J U D G E