

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 618 of 2026

[Zubair Ali Ujjan v. Province of Sindh and others]

Before:

Justice Arbab Ali Hakro

Justice Muhammad Osman Ali Hadi

Petitioner by : Mr. Imdad Ali Ujjan, 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 all accrued rights of legal heirs of deceased civil servants prior to 26.09.2024.

2. The petitioner’s father, the late Rustam Ali Ujjan, served as Beldar in the Drainage Division, Khairpur. He died in service on 02.05.2015. At the relevant time, the petitioner was a minor, having been born on 11.03.2000, as reflected in the Family Registration Certificate issued by NADRA. The petitioner attained majority on 11.03.2018 but had earlier submitted an application for appointment under the deceased quota, which was forwarded through the proper channel, along with relevant documents, by the Project Director, SCARP, Khairpur, vide letter dated 28.12.2016. Another letter dated 17.09.2018, issued soon after the petitioner attained majority by the Section Officer, Irrigation Department, Government of Sindh, is also on record. The case was thereafter processed by the concerned authorities before the cut-off date.

3. Learned AAG Sindh, under cover of his statement, has filed the statement of the Project Director, SCARP, Khairpur, which is taken on record.

4. 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*.

5. On the facts emerging from the record, the petitioner's father died while in service on 02.05.2015; the petitioner was a minor at the relevant time and attained majority on 11.03.2018. An application for appointment against the deceased quota had already been submitted on his behalf and forwarded through the proper channel vide letter dated 28.12.2016. The record further reflects departmental correspondence dated 17.09.2018, after the petitioner attained majority, and subsequent processing of the case before the cut-off date. The petitioner's 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 interpretation rendered in **PLD 2024 SC 1276**.

6. 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, by passing a reasoned, speaking order within ninety (90) days of receipt of this order. With these directions, the instant petition stands **disposed of**.

7. 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