IN THE HIGH COURT OF SINDH AT KARACHI

C. P No. D- 5265 OF 2026
(Rehman Shah vs. Province of Sindh & others)

Before
Mr. Justice Riazat Ali Sahar,
Mr. Justice Ali Haider 'Ada',

Petitioner	:	through Mr. Israr Ahmed Abro, Advocate
Respondents	:	through Mr. Ali Safdar Depar, A.A.G Sindh alongwith PI Abdul Hakeem
Date of hearing & order	:	**29.10.2026**

O R D E R

RIAZAT ALI SAHAR, J.- Through the instant constitutional petition, the petitioner prays for a writ for appointment on the deceased quota under the erstwhile Rule 11-A of the Sindh Civil Servants (Appointment, Promotion & Transfer), Rules, 1974 [APT Rules).

Learned counsel for the petitioner argued that the petitioner's father while serving as Driver in Sindh Police died on 24.05.2016 due to heart attack. Subsequently, the petitioner applied on 14.01.2018 for appointment on the deceased quota within two years of her death. He further contends that, despite hectic efforts, the respondents have failed to issue the formal appointment order in favour of the petitioner, without assigning any lawful justification for such inaction.

Conversely, Senior Superintendent of Police Security-II Karachi (Respondent No. 5) states that the petitioner's case for appointment against the deceased quota was forwarded to the Central Police Office in 2019 for the post of Naib Qasid and recommended subject to the availability of a vacancy. In 2022, his case for a Class-IV post, at Sr. No. 31, was also forwarded to the Central Police Office. However, in 2024, his case for appointment as Constable was forwarded to the Karachi Police Office without recommendation, as he did not possess the requisite educational qualification.

That provision had been declared unconstitutional by the Supreme Court of Pakistan in the case of **General Post Office, Islamabad v. Muhammad Jalal (PLD 2024 SC 1276)**, whereafter Rule 11-A was omitted from the APT Rules. However, the learned Assistant Advocate General Sindh draws attention to a recent notification dated 30.04.2026, issued by the Government of Sindh to insert a proviso to the omission of Rule 11-A, which reads:

> *"Provided that if a right of employment had already accrued to any of the children or, as the case may be, spouse of the civil servant, he or she shall not be deprived of the benefit accrued to him or her prior to the judgment of the Hon'ble Supreme Court of Pakistan dated 26.09.2024, passed in Civil Petition No. 3390 of 2021. notwithstanding the omission of Rule 11-A thereunder, as observed by the Hon'ble Federal Constitutional Court of Pakistan vide order dated 27.02.2026 in F.C.P.LA Nos. 508, 591, 346, 347, 348, 589, 267, 593, 130 and 353 of 2025, and shall be considered and decided at the level of the Administrative Department, on merit and in accordance with all provisions of omitted Rule 11-A of the Rules ibid".*

Learned Assistant Advocate General Sindh submits that reading said notification with the Sindh Government Rules of Business, all applications for appointment on the deceased quota will now be decided by the Administrative Head of the concerned department.

In view of the foregoing development, we refer the petitioner to the Inspector General of Police, Karachi, for assessing the petitioner's application under aforesaid Notification dated 30.04.2026.

Petition disposed of in the said terms.

JUDGE

JUDGE

Nadir*