IN THE HIGH COURT OF SINDH AT KARACHI

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

C. P No. D- 2980 OF 2024
(Azhar Hussain Bajwa and 06 others v. Province of Sindh & 12 others)

C. P No. D- 2067 OF 2026
(Junaid Ali and 03 others v. Province of Sindh & 14 others)

Petitioners	:	through Mr. Munawar Alam Khan, Advocate
Respondents	:	through Mr. Abdul Jaleel Zubedi, Addl.A.G Sindh and Mr. Najeeb Naik, advocate holds brief for Mr. Haq Nawaz Talpur, advocate
Date of hearing & order	:	**28.10.2026**

O R D E R

RIAZAT ALI SAHAR, J.- We intend to dispose of both the instant petitions through this common order, as common questions of law and facts are involved therein. Through these petitions the petitioners seek multiple reliefs arising out of the impugned recruitment process of the post of Assistant Sub Inspector (ASI) under the deceased quota the erstwhile Rule 11-A of the Sindh Civil Servants (Appointment, Promotion & Transfer), Rules, 1974 [APT Rules].

2. Learned counsel for the petitioners argued that the petitioners are the legal heirs/sons of deceased police officials who died during service on different dates i.e. 13.05.2008, 21.10.2021, 18.12.2008, 31.10.2018 & 19.03.2019, 29.05.2020 & 31.03.2022 respectively and are being entitled to consideration under the Shaheed, Deceased and Permanently Invalidated or Incapacitated Quota, applied for appointment to the posts of Assistant Sub-Inspector (ASI) in Sindh

Police. He submitted that, out of the initially advertised 222 vacancies, 98 candidates, including the petitioners, fulfilled the requisite eligibility criteria, whereas 89 candidates, including the petitioners, qualified the prescribed written, physical and running tests conducted through Pakistan Testing Service (PTS). Despite fulfilling the prescribed requirements, the petitioners were deprived of their legitimate claim to appointment, and the respondents issued the impugned list of unsuccessful candidates without disclosing a transparent and lawful criterion for final selection. Learned counsel further argued that the respondents had failed to disclose the complete position of sanctioned, advertised, filled and unfilled vacancies under the aforesaid quota and had acted contrary to the applicable Policy of 2021 and Revised Policy of 2022, thereby rendering the selection process arbitrary and discriminatory. He maintained that the impugned list was liable to be examined in the light of the constitutional and legal provisions invoked in the petition, including Article 199(2)(b)(ii) of the Constitution of the Islamic Republic of Pakistan, 1973.

3. In view of the foregoing, when this Court proposed to the learned counsel for the petitioners to confine their prayer to the extent of their appointment against the Deceased Quota, without pressing the other ancillary and multiple prayers made in the petition, learned counsel, upon instructions, graciously accepted the proposal and agreed to press the petitioners' claim for appointment against the available vacancies reserved under the Deceased Quota, strictly in accordance with law and the applicable policy.

4. 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 Additional 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".*

5. Learned Additional 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.

6. In view of the foregoing development, we refer the petitioners to the Inspector General of Police, Karachi, for assessing the petitioners' case under aforesaid Notification dated 30.04.2026.

7. Instant petitions stand ***disposed of*** in the said terms alongwith pending application(s), if any.

JUDGE

JUDGE

Nadir*