IN THE HIGH COURT OF SINDH AT KARACHI

C. P No. D- 3284 OF 2026
(Azam Iqbal Khan vs. Province of Sindh & others)

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

Petitioner	:	Azam Iqbal Khan through Mr. Liaquat Hussain Khan, Advocate
Respondents	:	through Mr. Zohaib Sarki, Addl.A.G Sindh alongwith Asghar Ali Section, Officer/Focal Person
Date of hearing & order	:	**21.10.2026**

O R D E R

RIAZAT ALI SAHAR, J.- Through the instant constitutional petition, the petitioner prays for a writ for appointment to a post of Junior Clerk (BPS-11) or any other equivalent post as per his qualification, 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 Sub-Inspector in Sindh Police died in harness on 15.03.2012, thereafter the petitioner applied on attaining the age of eighteen years, qualified the scrutiny process and typing test held on 10.10.2019 and 11.10.2019, and was recommended to the Home Department at Serial No. 7, yet the respondents appointed only four candidates vide Notification dated 20.08.2021 and left the petitioner out without any lawful justification, which amounts to discrimination and a violation of the principles of natural justice. He further argued that the earlier petition, CP-D No. 1359/2023, was dismissed solely on the strength of the Supreme Court's judgment dated 26.09.2024 in the case of *General Post Office Islamabad vs. Muhammad Jalal*. Counsel maintained that said judgment cannot defeat the vested right of the petitioner, whose father died in 2012 and who applied and was recommended well before the judgment.

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 Addl.A.G. 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 Addl.A.G. 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*