Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

CP No.D-6024 of 2026

(Muhammad Danish Ali Siddiqui v. Province of Sindh and 02 others)

Date	Order with signature of Judge

Before:

Mr. Justice Riazat Ali Sahar

Mr. Justice Ali Haider 'Ada'

1. For orders on CMA No.28345/2026
2. For orders on office objection no.1
3. For hearing of main case

Date of hearing & order: 02.11.2026

Mr. Qadir Hussain Khan, advocate for the petitioner
Mr. Abdul Jalil Zubedi, Additional Advocate General Sindh

ORDER

RIAZAT ALI SAHAR, J. Through the instant constitutional petition, the petitioner prays for a writ for appointment to the post 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 contends that the petitioner's father late Muhammad Shamim Siddiqui while serving as Ex-Attendant (BPS-2) in Pakistani Swedish Institute of Technology Karachi, died on 13.07.2011. He contends that the mother of petitioner applied against deceased quota but she could not be appointed till 17.12.2020 and expired on 18.12.2020. Thereafter, the petitioner applied for appointment on the deceased quota on 01.04.2021 and appeared before the Scrutiny Committee vide letter dated 06.10.2021. However, despite the lapse of considerable time, the respondents have neither considered and decided his application nor communicated any decision or reasons for withholding the same.

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 Managing Director, Sindh Technical Education & Vocational Training Authority (STEVTA), Government of Sindh, Karachi for assessing the petitioner's eligibility under aforesaid Notification dated 30.04.2026.

Petition stands ***disposed of*** in the said terms alongwith pending application(s), if any.

JUDGE

JUDGE

Nadir*