Order Sheet

IN THE HIGH COURT OF SINDH AT KARACHI

CP No.D-6823 of 2026

(Wahaj Ali Ansari v. the Managing Director SITE Ltd and another)

Date	Order with signature of Judge

1. For order on Misc. No.27441/2026
2. For order on office objection no.1
3. For order on Misc. No. 27442 /2026
4. For hearing of main case

02.11.2026

Mr. Irfan Mir Halepota, advocate for the petitioner
Mr. Zohaib Ali Sarki, Additional Advocate General Sindh

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1. Urgency granted.

2. Overruled.

3. Granted subject to all just legal exceptions.

4. By way of instant petition, the petitioner seeks a writ of mandamus for his appointment against the deceased quota, pursuant to the erstwhile Rule 11-A of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974 (the "APT Rules").

Learned counsel for the petitioner submits that the petitioner's late father, Shahadat Ali Ansari, was serving as a regular employee of SITE Ltd. in the capacity of Stenographer and died in service on 31.10.2010 while performing Hajj. He further contends that, at the time of his father's demise, the petitioner was a minor and none of the children of the deceased was either of employable age or possessed the requisite qualification for appointment. It is further contended that, upon acquiring the requisite qualification, the petitioner submitted an application dated 11.12.2025 before Respondent No. 1, seeking appointment against the deceased employee's quota on the vacant post of Sub-Engineer (BPS-14). 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 present in Court in some other matter waives notice and 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 Industrial Trading Estates Limited (SITE Ltd.) Head Office Manghopir Road, Karachi, for assessing the petitioner's application under aforesaid Notification dated 30.04.2026.

Petition disposed of in the said terms.

JUDGE

JUDGE

Nadir*