

HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Before:

Justice Arbab Ali Hakro

Justice Muhammad Jaffer Raza

C.P No.D-987 of 2025

[Mashooque Ali v. Province of Sindh and others]

Petitioner by : Mr. Muzafar Ali Dhehraj, Advocate.

Respondents by : Mr. Ghumullah Memon, A.A.G Sindh.

Date of Hearing : 19.05.2026

Date of Decision : 19.05.2026

ORDER

ARBAB ALI HAKRO J:- The instant petition concerns the effect of the omission of Rule 11-A of the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974 and the subsequent Notification dated 30.04.2026, which preserves all accrued rights of legal heirs of deceased civil servants prior to 26.09.2024.

2. The petitioner's father namely Mushtaque Ahmed was serving as Tracer BPS-05 RDD Sanghar and was expired during service on 31.03.2019, which fact is reflected in the obituary issued by the department dated 13.11.2019. The petitioner applied for appointment against deceased quota and his case was processed and forwarded through the proper administrative channel before 26.09.2024.

3. Recently, the Notification dated 30th April 2026, issued by the Services, General Administration & Coordination Department (Regulations Wing), Government of Sindh, amends the legal position created after the omission of Rule 11-A, ibid. It expressly provides that where a right of employment had accrued prior to 26.09.2024, the legal heir "shall not be deprived of the benefit accrued 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 *ibid*.

4. On the admitted facts, the petitioner's rights matured before the cut-off date. His case, therefore, falls squarely within the protective ambit of the saving proviso and cannot be defeated by the subsequent omission of Rule 11-A or by the interpretation rendered in PLD 2024 SC 1276.

5. In view of the statutory mandate contained in the Notification dated 30.04.2026, the matter is referred to the Administrative Department, who shall consider and decide the petitioner's claims strictly in accordance with the saved Rule 11-A, the said Notification and the applicable service rules, by passing reasoned, speaking orders within a period not exceeding sixty days, from the date of receipt of this order. With these directions, the petition stands disposed of.

The office is directed to communicate a copy of this order to the concerned Administrative Department for compliance through all modes, including e-service.

JUDGE

JUDGE

Adnan Ashraf Nizamani