

HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Before:

Justice Arbab Ali Hakro

Justice Muhammad Jaffer Raza

C.P No.D-89 of 2026

[Saith v. Province of Sindh and others]

Petitioner by : Mr. Bhooro Bheel, Advocate

Respondents by : Mr. Ghumullah Memon, A.A.G Sindh a/w Mr. Vikram Kumar (AEO) DEO, Primary Mirpurkhas and Mr. Amir Bux Panhwar TEO Sindhri, District Mirpurkhas..

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 Began was serving as Primary School Teacher (BPS-15) in GBPS Rasool Bux Shar Taluka Sindhri, District Mirpurkhas and was expired during service on 01.01.2017, which fact is reflected in the in the obituary issued by the department dated 21.03.2017. 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. Learned counsel for the petitioner files application of the petitioner under the cover of statement, which is taken on record and raised no objection for disposal of instant petition if directions are given to the concerned Department to consider and decide the petitioner's claim strictly in accordance with Law.

4. Learned A.A.G files statement on behalf of respondent No.4, which is taken on record. He submits that he has no objection if the petition is disposed of with directions to the concerned Administrative Department to consider and decide the petitioner's claim strictly in accordance with law and the notification dated 30.04.2026.

5. 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*."

6. 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.

7. 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