

HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Before:

Justice Arbab Ali Hakro

Justice Muhammad Jaffer Raza

C.P No.D-79 of 2026

[Mst. Mehtab v. Province of Sindh and others]

Petitioner by : Mr. Mir Muhammad Nohri, Advocate.

Respondents by : Mr. Muhammad Shareef Solangi, Assistant
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 Muhammad Rafique was serving as Driver in Agriculture Supply and Prices Department and posted at Fruit Crops Research Institute, Mirpurkhas and expired during service on 15.01.2019. The petitioner applied for appointment against deceased quota and her application was submitted on 06.12.2023. Her case was processed and forwarded through the proper administrative channel before 26.09.2024.

3. Learned counsel for the petitioner submits that the deceased was working as Driver in the Agriculture Supply and Prices Department and expired on 15.01.2019. He further submits that, at that time, the petitioner was minor and her mother Mst. Nusrat had applied to the Agriculture Department for appointment under the deceased quota; however, she neither pursued the

matter nor availed employment under the deceased quota. Learned counsel further submits that the petitioner was minor at that time, as reflected in the FRC which shows her age as 14 years and that she attained majority in the year 2023. Learned counsel further submits that after attaining majority, she applied on 06.12.2023. Per learned counsel, the period of minority shall be excluded, and the period under Rule 11-A is two years and the application is within time.

4. Notices were ordered to be issued but the matter is fixed for non-prosecution. However, learned A.A.G Sindh is present in court in some other cases, waived the notice and 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. Her 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** alongwith pending applications.

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

Faisal