

HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Before:

Justice Arbab Ali Hakro

Justice Muhammad Jaffer Raza

C.P No.D-347 of 2026

[Jalaluddin v. Province of Sindh and others]

Petitioner by : Mr. Sandeep Kumar Maheshwari, Advocate.

Respondents by : Mr. Ghulamullah 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 Ali Muhammad was serving as Primary School Teacher (BPS-09) in Education and Literacy Department, Government of Sindh and was posted as G.B.P.S Muhammad Yousuf Jarwar Taluka Jhudo, District Mirpurkhas and he expired during service on 16-01-2009, which fact is reflected in the obituary issued by the department. The petitioner applied for appointment against deceased quota on 22-07-2019 and his case was processed and forwarded through the proper administrative channel before 26.09.2024.

3. Learned counsel for the petitioner submits that the petitioner's father expired on 16-01-2009 and at that time, the petitioner was minor, therefore, could not apply for appointment under the deceased quota. Learned counsel further submits that the petitioner was minor and

attained the majority on 07.06.2019 and the petitioner applied on 22.07.2019. 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. Learned A.A.G has filed statement on behalf of the respondent No.3 alongwith copy of Notification dated 10-04-2026 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. 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

"Saleem"