

IN THE HIGH COURT OF SINDH, CIRCUIT COURT
LARKANA

Constitutional Petition No. D-904 of 2025

Before:
Mr. Justice Amjad Ali Bohio,
Mr. Justice Ali Haider 'Ada'.

Petitioner: Abdul Raheem son of Abdul Razaque Zangejo Jatoi, *through* Mr. Ali Raza Pathan, advocate

Respondents: Province of Sindh and others, *Through*, Mr. Mohsin Ali Khan along with Naseer Ahmed Chandio, Mukhtiarkar (Revenue), Taluka, Larkana.

Date of hearing: 30-09-2026
Date of Order: 30-09-2026

ORDER

Ali Haider 'Ada', J:-, The main contention of the petitioner is that he be considered for appointment on the ground that his father, Abdul Razaque, was declared invalidated/incapacitated and was retired from government service on account of his illness, whereafter an invalidation certificate was issued in his favour. Following the invalidation of his father, the petitioner approached the department seeking appointment as his son under the applicable rules; however, his case was not considered.

Keeping in view Rule 11-A, as well as the subsequent amendment brought about pursuant to the judgment of the Honourable Federal Constitutional Court of Pakistan in F.C.P.L.A.

Nos.508, 591, 346, 347, 348, 589, 267, 593, 130 and 353 of 2025, titled *The Province of Sindh v. Muhammad Rizwan Khan & others*, and the recent Notification dated 30.04.2026 issued by the Government of Sindh, whereby a proviso has been inserted consequent upon the omission of Rule 11-A, the relevant provision reads as under:

"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"

Rule 11-A is also reproduced hereunder:-

11-A. Where a civil servant dies while in service or is declared invalidated or incapacitated for further services, one of his/her children or, as the case may be, [spouse] (when all the children of the deceased employee are minor) shall be provided job who applies within a period of two years of death or declaration of invalidity or incapacity of civil servant on any of the [Basic Pay Scale 1 to 11] in the Department where such civil servant was working.

Keeping in view the aforesaid facts and circumstances, the case of the petitioner is now within the domain of the Administrative Head of the concerned department. Accordingly, the Administrative Head shall consider the petitioner's case in accordance with the applicable procedure and criteria governing appointment on the basis of invalidation, and pass an appropriate order in accordance with law.

In view of the foregoing, the instant petition is hereby disposed of in the above terms.

JUDGE

JUDGE