

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 1728 of 2024

[Safdar Ali Soomro v. Province of Sindh and others]

Before:
Justice Arbab Ali Hakro
Justice Nisar Ahmed Bhanbhro

Petitioner by : Mr. Sajjad Muhammad Zangejo, Advocate

Respondents by : Mr. Israr Ahmed Shah, Assistant Advocate General Sindh

Date of Hearing : 01.10.2026

Date of Decision : 01.10.2026

ORDER

ARBAB ALI HAKRO, J. – The petitioner, Safar Ali, asserts that his late father, Nazeer Ahmed Soomro, was appointed as Naib Qasid in the Revenue Department, Government of Sindh, in the year 1987 and lastly rendered his services in the office of Respondent No.5 [Mukhtiarkar (Revenue), Taluka Ubauro]. The petitioner’s father expired during active service on 16.12.2016. At the time of his father’s death, the petitioner was a minor. Upon attaining majority, obtaining his CNIC in the year 2020, and fulfilling the requisite eligibility criteria, the petitioner applied for appointment as Naib Qasid under the deceased quota pursuant to Rule 11-A of the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974, vide application dated 08.08.2021.

2. After proper verification of credentials, Respondent No.4 [Deputy Commissioner, Ghotki] referred the petitioner’s case to Respondent No.2 [Secretary (Revenue), Board of Revenue, Sindh, Hyderabad] via official letter dated 09.08.2021. Respondent No.4 also issued a Certificate dated 05.04.2021 affirming that no other legal heir of the deceased civil servant has been appointed against the deceased quota. Despite repeated official correspondence by Respondent No.4 to Respondent No.2 as well as Respondent No.3 [Commissioner, Sukkur Division, Sukkur], including letters

dated 26.11.2021 and 06.06.2022, no final decision or progress has been made by the department so far.

3. Mr. Israr Ahmed Shah, learned Assistant Advocate General, Sindh, present in Court in connection with other matters, waives notice on behalf of all the respondents. Learned AAG has placed on record Notification No. ASTT/BOR/2026/ADMN-III(D.Q)/16 dated 06.07.2026, issued by the Board of Revenue, Sindh. The said notification reveals that in pursuance of SGA&CD Notification No. SORI(SGA&CD)2-25/2024(Pt-F) dated 30.04.2026 and letter dated 24.06.2026 (and in supersession of the earlier notification dated 08.06.2026), a Scrutiny Committee has been re-constituted to examine and scrutinize cases for appointment under the omitted Rule 11-A in light of the saved rights framework. Learned AAG submits that if the petitioner's case falls within the protective ambit of the law and applicable notifications, it shall be examined by the Scrutiny Committee and decided strictly on merit and in accordance with law by the administrative authority.

4. We have heard learned counsel for the petitioner as well as the learned AAG Sindh and perused the material available on record.

5. The legal threshold governing the subsequent omission of Rule 11-A of the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974, stands fully settled. The omission of Rule 11-A following the judgment of the Hon'ble Supreme Court in *General Post Office, Islamabad and others v. Muhammad Jalal* (PLD 2024 SC 1276) does not extinguish claims where rights had already accrued prior to the cut-off date. The Federal Constitutional Court of Pakistan in *The Province of Sindh v. Muhammad Rizwan Khan and others* (F.C.P.L.A. Nos. 508, 591, 346, 347, 348, 589, 267, 593, 130 and 353 of 2025) held that the declaration in *Muhammad Jalal* operates prospectively and does not defeat accrued vested rights.

6. In *Muhammad Rizwan Khan* (supra), the Federal Constitutional Court of Pakistan categorically held that the event giving rise to the right under deceased quota is the death of the civil servant while in active service. Subsequent administrative steps, such as processing applications, verification and issuance of appointment letters, do not dilute the right

accrued on the date of death. Consequently, *Muhammad Jalal* cannot be applied retrospectively to defeat claims where the death occurred prior to the cut-off date.

7. Since the accrual event in the present case (the death of the petitioner’s father on 16.12.2016) predates the cut-off date of 26.09.2024, the claim is protected under SGA&CD Notification dated 30.04.2026 and the consequential Departmental Notification No. ASTT/BOR/2026/ADMN-III (D.Q)/16 dated 06.07.2026, which preserve such accrued rights for merit-based scrutiny and determination under the saved Rule 11-A.

8. In view of the above statutory framework, binding judicial precedents, and departmental notifications, this petition is **disposed of** by referring the matter to the Scrutiny Committee re-constituted vide Notification dated 06.07.2026 and Respondent No. 2 [Secretary (Revenue), Board of Revenue, Sindh] / competent authority to examine and decide the petitioner’s case strictly in accordance with the saved Rule 11-A, the Notification dated 30.04.2026, and applicable service rules. The competent authority shall pass a reasoned and speaking order on merit within ninety (90) days from the date of receipt of a copy of this order.

9. Office is directed to communicate a copy of this order to Respondents No.2 and 4 through all available modes, including electronic transmission, for immediate compliance.

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Abdul Basit