

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 1683 of 2026

[Muhammad Ibrahim Rajput v. Province of Sindh and others]

Before:
Justice Arbab Ali Hakro
Justice Nisar Ahmed Bhanbhro

Petitioner by : Mr. Ghulam Umar S.M. Rajput, Advocate

Respondents by : Mr. Ali Raza Baloch, Additional Advocate General Sindh

Date of Hearing : **01.10.2026**

Date of Decision : **01.10.2026**

ORDER

ARBAB ALI HAKRO, J. – The petitioner, Muhammad Ibrahim, asserts that his late father, Muhammad Aslam Rajput, was a permanent government employee serving as Senior Stenographer (BPS-16) in the office of Respondent No.5 (Deputy Commissioner, Khairpur), who expired during active service on 21.12.2022. The petitioner submitted his application for appointment under the deceased quota pursuant to Rule 11-A of the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974, on 04.05.2023, well within the statutory time frame of two years. Subsequently, Respondent No.5 forwarded the petitioner’s case complete in all respects to Respondent No.4 (Commissioner, Sukkur Division, Sukkur) vide letter dated 04.09.2023.

2. Learned counsel for the petitioner has drawn our attention to official letter No. ASTT/BOR/2026/ADMN-III(D.Q)/1072 dated 17.07.2026, annexed with the petition, issued by the Assistant Secretary, Board of Revenue, Sindh, Hyderabad (referring to earlier communication dated 09.07.2026), whereby all departmental officers were directed to submit pending deceased quota cases falling within the saved policy to the Board for

scrutiny by the Scrutiny Committee constituted vide Notification dated 06.07.2026 within one week. Learned counsel contends that despite the complete submission of documents and clear departmental directions, the petitioner's claim remains undecided.

3. Mr. Ali Raza Baloch, learned Additional Advocate General Sindh, present in Court in connection with other matters, waives notice on behalf of all the respondents and submits that if the petitioner's case falls within the protective ambit of the saved rules and applicable notifications, the same shall be examined by the Scrutiny Committee and decided strictly on merit and in accordance with law by the competent 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 main question that arises is whether the subsequent omission of Rule 11-A of the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974, impacts the petitioner's claim. The legal position in this regard stands well 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 bar the claim. 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 extinguish rights that had already accrued.

6. Since the accrual event (the death of the petitioner's father on 21.12.2022) predates the cut-off date of 26.09.2024, the claim is protected by the Notification dated 30.04.2026 issued by the Services, General Administration & Coordination Department (Regulations Wing), Government of Sindh, as well as the Board of Revenue's consequential directives dated

06.07.2026 and 17.07.2026, which give effect to this beneficial protection by saving such rights for merit-based decision under the omitted Rule 11-A.

7. In view of the above statutory framework and binding judicial precedents, this petition is **disposed of** by directing Respondent No.5 (Deputy Commissioner, Khairpur) and Respondent No.4 (Commissioner, Sukkur Division, Sukkur) to immediately transmit/furnish the complete credentials and record of the petitioner to the Board of Revenue, Sindh, if not already sent. Thereupon, the Scrutiny Committee re-constituted vide Notification dated 06.07.2026 and the competent authority in the Board of Revenue / Revenue Department shall examine and decide the petitioner's application dated 04.05.2023 strictly in accordance with the saved Rule 11-A, the Notification dated 30.04.2026, and the policy circular dated 17.07.2026. A reasoned and speaking order on merit shall be passed within ninety (90) days from the date of receipt of a copy of this order.

8. Office is directed to communicate a copy of this order to Respondents No.2, 4 and 5, through all available modes, including electronic transmission, for immediate compliance.

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Abdul Basit