

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 588 of 2026

[Muhammad Haneef Bozdar v. Province of Sindh and others]

Before:
Justice Arbab Ali Hakro
Justice Muhammad Osman Ali Hadi

Petitioner by : Mr. Shabbir Ali Bozdar and Ms. Aaraf
Soomro, Advocates

Respondents by : Mr. Zulfiqar Ali Naich, Assistant Advocate
General Sindh

Date of Hearing : 07.10.2026

Date of Decision : 07.10.2026

ORDER

ARBAB ALI HAKRO, J. – The petitioner, Muhammad Haneef, asserts that his late father, Nek Muhammad Bozdar, was serving as a Ward Servant at Basic Health Unit (BHU) Garhi Chakkar, Taluka Mirpur Mathelo, District Ghotki, and passed away during active service on 15.08.2023. An obituary was duly issued by the respondents. The deceased left behind a widow, five sons, and one daughter as his legal heirs.

2. The petitioner applied for appointment against the deceased quota under Rule 11-A of the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974, vide application dated 26.01.2024 addressed to Respondent No.4 [District Health Officer, Ghotki @ Mirpur Mathelo]. Respondent No.4 forwarded the application to Respondent No.1 [Secretary, Health Department, Government of Sindh, Karachi] via letter dated 30.01.2024. Subsequently, the requisite heirship certificate, death certificate, domicile, and PRC were verified pursuant to letter dated 25.04.2024 issued by Respondent No.3 [Deputy Commissioner, Ghotki @ Mirpur Mathelo]. Respondent No.4 resubmitted the completed document dossier to Respondent No.1 vide letter dated 08.05.2024. Despite fulfilling all requisite legal and administrative formalities, the respondents failed to pass a final order and ultimately refused processing the claim, constraining the

petitioner to file the instant petition (following withdrawal of earlier C. P. No. D-571 of 2025 with permission to file a fresh one).

3. Learned AAG has filed a statement on behalf of Respondent No.1, as well as para-wise comments on behalf of Respondent No.3 and Respondent No.4. In the statement on behalf of Respondent No. 1, it is submitted that following the omission of Rule 11-A via judgment dated 26.09.2024 passed by the Hon'ble Supreme Court of Pakistan in *General Post Office, Islamabad v. Muhammad Jalal* (PLD 2024 SC 1276), the Government of Sindh issued SGA&CD Notification dated 30.04.2026 under the saved rights framework established by the Federal Constitutional Court of Pakistan in *The Province of Sindh v. Muhammad Rizwan Khan and others*. Learned AAG affirms that the petitioner's case is under active consideration and process in accordance with the prevailing rules and applicable legal framework, and requests a period of two months for final decision. The para-wise comments of Respondent No.3 state that appointment falls within the exclusive domain of the Health Department and will be placed before the District Recruitment Committee upon formal requisition. Respondent No.4 in his comments states that he forwarded the petitioner's case to the competent authority, but due to the ban imposed by the Government on appointments under the deceased quota, no further action could be taken at the district level, and he is unable to issue an appointment order without formal approval from higher authorities.

4. We have heard the 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 applicability and saving of accrued rights under the omitted Rule 11-A of the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974, stands fully settled. 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), the Federal Constitutional Court of Pakistan held that the event giving rise to an accrued right under the deceased quota is the death of the civil servant while in active service. Subsequent procedural steps, such as application submission, credential verification, and formal DRC placement, do not dilute

or extinguish the right accrued on the date of death. Consequently, the declaration in *Muhammad Jalal* operates prospectively and cannot be applied retrospectively to defeat claims where the death occurred prior to the cut-off date of 26.09.2024.

6. In the present case, the accrual event (the death of the petitioner’s father on 15.08.2023) predates the cut-off date of 26.09.2024. The claim is therefore fully protected under the SGA&CD Notification dated 30.04.2026 and the saved rights regime under Rule 11-A for merit-based determination. Administrative bans or delays at the departmental level cannot override or extinguish such vested constitutional and statutory protection.

7. Accordingly, this petition is **disposed of** with a direction to Respondent No.1 [Secretary, Health Department, Government of Sindh] and the competent Departmental Scrutiny Committee / District Recruitment Committee (DRC) to examine and finalize the petitioner’s case strictly on merit, in accordance with the saved Rule 11-A, the SGA&CD Notification dated 30.04.2026, and applicable service laws. A reasoned and speaking order shall be passed by the competent authority within a period of sixty (60) 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.1, 3 and 4 through all available modes, including electronic transmission, for immediate compliance.

J U D G E

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Abdul Basit