

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 601 of 2026

[Mairaj-u-Din Khushik v. Province of Sindh and others]

Before:
Justice Arbab Ali Hakro
Justice Muhammad Osman Ali Hadi

Petitioner by : Mr. Riaz Ali Shaikh, Advocate

Respondents by : Mr. Shahryar Imdad Awan, Assistant Advocate General Sindh

Date of Hearing : **07.10.2026**

Date of Decision : **07.10.2026**

ORDER

ARBAB ALI HAKRO, J. – The petitioner, Maira-u-Din, asserts that his late father, Muhammad Tayab Khushik, was serving as Primary School Teacher (PST) at Government Boys Primary School Imdad Ali Khushik, Taluka Kandiaro, District Naushahro Feroze, under the Education & Literacy Department, Government of Sindh, and passed away during active service on 18.02.2022.

2. Upon the death of his father, the petitioner applied for appointment under the deceased quota pursuant to Rule 11-A of the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974. The petitioner’s application and required credentials, along with the vacancy position proforma submitted by the Taluka Education Officer (Primary/Male), Kandiaro vide letter dated 22.02.2024, were forwarded by Respondent No.4 [District Education Officer (Primary), District Naushahro Feroze] to Respondent No.3 [Director School Education (Primary), Shaheed Benazirabad] vide letter dated 30.04.2024 for favourable consideration against the vacant post of Junior Clerk (BPS-11). Respondent No.3 subsequently referred the matter to Respondent No.2 [Secretary, Education & Literacy Department, Government of Sindh, Karachi] vide letter dated 13.06.2024. Despite completion of procedural prerequisites, no final decision was taken. The petitioner

previously approached this Court through C. P. No. D-270 of 2026, which was dismissed as not pressed on 17.03.2026 with liberty to file a fresh petition to rectify a drafting error.

3. During proceedings on 30.04.2026, observing the unexcused absence of the department, this Court issued a show-cause notice to Respondent No.3 to appear in-person along with comments. In response, Respondent No.3 filed a reply explaining that the notice was received on 23.04.2026 and immediately routed to Respondent No.4, but procedural delays in departmental approval prevented timely filing. Written comments of Respondent No.4 dated 13.05.2026 were submitted through learned AAG under statement dated 15.05.2026, and Respondent No.3 prayed for vacation of the show-cause notice. The show-cause notice issued to Respondent No.3 accordingly stands discharged.

4. In the written comments filed on behalf of Respondent No.4, it is submitted that following the judgment of the Hon'ble Supreme Court of Pakistan dated 26.09.2024 in *General Post Office, Islamabad v. Muhammad Jalal* (PLD 2024 SC 1276) and subsequent notification dated 19.12.2024 formally omitting Rule 11-A, the Sindh Provincial Cabinet in its meeting dated 16.04.2026 approved the saved rights policy framework. Consequently, SGA&CD issued Notification dated 30.04.2026 to govern pending and accrued claims. Respondent No.4 states that the petitioner's case shall be examined and decided strictly in accordance with the applicable rules, policy, and recommendations of the committee constituted pursuant to the said notification.

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

6. The legal effect of the omission of Rule 11-A on rights accrued prior to the cut-off date of 26.09.2024 stands fully settled by 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). The Court held that the right under the deceased quota vests on the date of the civil servant's death in active service.

Procedural processing or administrative delays do not extinguish this vested right, and the declaration in *Muhammad Jalal* operates prospectively without affecting accrued claims.

7. In the present case, the accrual event (the death of the petitioner’s father on 18.02.2022) predates the cut-off date of 26.09.2024. Therefore, the petitioner’s claim falls squarely within the protective ambit of the saved rights regime under SGA&CD Notification dated 30.04.2026 and the saved Rule 11-A for merit-based determination.

8. Accordingly, this petition is disposed of by referring the case to Respondent No.2 [Secretary, Education & Literacy Department, Government of Sindh] and the competent Departmental Scrutiny Committee / District Recruitment Committee to examine and decide the petitioner’s case on merit, in accordance with the saved Rule 11-A, the Notification dated 30.04.2026, and applicable service rules. A reasoned and speaking order shall be passed by the competent authority within a period of 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, 3 and 4 through all available modes, including electronic transmission, for immediate compliance.

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Abdul Basit