

THE HIGH COURT OF SINDH CIRCUIT COURT AT LARKANA

C. P. No. D – 1023 of 2025

[Zubair Ali and others v. Province of Sindh and another]

Before:

Justice Arbab Ali Hakro

Justice Muhammad Osman Ali Hadi

Petitioner by : Zubair Ali and others
(In person)

Respondents by : Mr. Saeed Akbar Sial, A.A.G a/w Javed Ali
T.E.O (E.S & H.S) Larkana, Raja Darya
Khan Qureshi, A.C Larkana and Muhammad
Ali Shaikh, Office Superintendent, office of
T.E.O (Male), Larkana.

Date of Hearing : **22-10-2026**

Date of Decision : **22-10-2026**

ORDER

ARBAB ALI HAKRO J. – This constitutional petition concerns the effect of the omission of Rule 11-A of the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974 and the subsequent Notification dated 30.04.2026, which preserves all accrued rights of legal heirs of deceased civil servants prior to 26.09.2024.

2. That Petitioner No.1 is the son of Late Kareem Bux Markhand, who was serving as Chowkidar (BPS-02) at Government Pilot Higher Secondary School, Larkana, District Larkana and expired on 04.07.2008 during service. After the demise of his father, Petitioner No.1 submitted an application to the Education Department, claiming appointment under deceased quota against the post of Chowkidar (BPS-02) in accordance with the rules and policy. The petitioner completed all codal formalities and submitted the required documents.

3. That Petitioner No.2 is the son of Late Muhammad Muslim Bhutto, who was serving as High School Teacher (HST) at Government Boys Higher Secondary School, Bunguldero, District Larkana and expired on 16.03.2010 during service. After the death of his father, Petitioner No.2 also submitted an application to the Education Department, seeking appointment under deceased quota against the post of Computer Lab Assistant (BPS-07) in accordance with the rules and policy. The petitioner also completed all necessary requirements and filed the requisite documents.

4. That Petitioner No.3 is the son of Late Mashooque Ali Bhutto, who was serving as Primary School Teacher (PST) at Government Boys High School Campus, Wassayo Bhutto, Taluka Ratodero, District Larkana and expired on 29.02.2024 during service. After his demise, Petitioner No.3 applied to the Education Department under deceased quota for appointment against the post of Junior Clerk (BPS-11), completing all required formalities and submitting the necessary documents.

5. Learned counsel for the petitioners submits that the petitioners, being minors at the time of death of their father, applied after attaining majority and within the period prescribed under the then prevailing Rule 11-A.

6. Learned AAG has filed a statement along with certain documents, whereas, para wise comments have been filed on behalf of respondent No.4, which are taken on record.

7. Recently, the Notification dated 30th April 2026, issued by the Services, General Administration & Coordination Department (Regulations Wing), Government of Sindh, amends the legal position created after the omission of Rule 11-A *ibid*. It expressly provides that where a right of employment had accrued prior to 26.09.2024, the legal heir shall not be deprived of the benefit accrued 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 *ibid*.

8. On the admitted facts, the petitioners' fathers died in service; the petitioners were minor at the relevant time; after attaining the majority they submitted their applications for appointment against the deceased quota. Since the petitioners had attained majority before the cut-off date of 26.09.2024, their right under Rule 11-A had already accrued before the omission of the said Rule. The observations made by this Court in the unreported case of ***Ihsanullah Mahar v. Province of Sindh and others (C. P. No. D-552 of 2021)*** further reinforce the beneficial nature of Rule 11-A, holding that a minor legal heir cannot be deprived of the benefit of the said provision merely because of circumstances beyond his control, and that the right accrued in favour of such a legal heir is to be considered in accordance with the scheme of the Rule. Although the legal position concerning compassionate appointment under the omitted Rule was considered by the Hon'ble Supreme Court in ***PLD 2024 SC 1276***, the subsequent Notification dated 30.04.2026 expressly preserves accrued rights arising prior to 26.09.2024. Consequently, the petitioner's claim falls within the protective ambit of the said Notification and is liable to be considered in accordance with the omitted Rule 11-A, the Notification, and the applicable service rules.

9. In view of the statutory mandate contained in the Notification dated 30.04.2026, the matter is referred to the concerned Administrative Department, who shall consider and decide the petitioner's claim strictly in accordance with the saved Rule 11-A, the said Notification and the applicable service rules, by passing a reasoned, speaking order within a period not exceeding ninety (90) days, from the date of receipt of this order. With these directions, the instant petition stands **disposed of**.

10. Office is directed to communicate a copy of this order to the concerned Administrative Department through all available modes, including electronic transmission, for compliance.

J U D G E

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Abdul Salam/P.A