

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 626 of 2026

[Ghulam Murtaza Mahar v. Province of Sindh and others]

Before:

Justice Arbab Ali Hakro

Justice Muhammad Osman Ali Hadi

Petitioner by : Mr. Amjad Ali Gabol, Advocate

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

Date of Hearing : **09.09.2026**

Date of Decision : **09.09.2026**

ORDER

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

2. The petitioner’s father, the late Ghulam Hyder Mahar, served as a Ward Servant (BPS-03) at Shaikh Hamdan Bin Muhammad Taluka Hospital, Khanpur Mahar, District Ghotki. He died in service on 06.08.2020. The petitioner, born on 01.01.2002, was a major at the time of his father’s death. The petitioner submitted an application for appointment under the deceased quota within the prescribed time. The application was thereafter forwarded through the proper channel to the competent authorities for further necessary action. The case was processed by the concerned authorities, and the requisite documents were verified.

3. Recently, the Notification dated 30th April 2026, issued by the Services, General Administration & Coordination Department (Regulations Wing), Government of Sindh, amends the legal position arising from 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 the omitted Rule 11-A *ibid*.

4. On the admitted facts, the petitioner's father died in service on 06.08.2020, and the petitioner, born on 01.01.2002, was a major at the relevant time. The petitioner submitted his application for appointment against the deceased quota within the prescribed time, and it was processed through the departmental channel. His right therefore matured before the cut-off date. His case consequently falls squarely within the protective ambit of the saving proviso and cannot be defeated by the subsequent omission of Rule 11-A or by the interpretation rendered in **PLD 2024 SC 1276**.

5. In view of the statutory mandate contained in the Notification dated 30.04.2026, the matter is referred to the concerned Administrative Department, which 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, and pass a reasoned, speaking order within ninety (90) days of receipt of this order. With these directions, the instant petition stands **disposed of**.

6. Office is directed to communicate copy of this order to the concerned Administrative Department for compliance through all modes including electronic mode.

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Abdul Basit