HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-111 of 2026
[Abdul Haseeb vs. Province of Sindh and others]

C.P. No.D-2104 of 2026
[Syeda Tamkeen Zehra Zaidi vs. Province of Sindh and others]

Before:
JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE MUHAMMAD JAFFER RAZA

Date of hearing & Decision
11.11.2026

M/s. Syed Hammad Ali Shah and Aijaz Ali Halepoto, advocate for petitioners.
Mr. Allah Bachayo Soomr, Additional A.G. Sindh.

O R D E R

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ADNAN-UL-KARIM MEMON J:- The captioned petitions involve a common question of law and facts, as the petitioners seek appointments under the deceased/son quota in different departments of the Government of Sindh.

2. The Government of Sindh, vide Notification dated 10.04.2026, amended Rule 11-A of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974, clarifying that cases in which a right to employment had already accrued to the children or spouse of a deceased civil servant before the judgment of Supreme Court dated 26.09.2024 shall not be deprived of such benefit. Such cases are to be considered and decided by the respective Administrative Departments on merit and in accordance with the provisions of the omitted Rule 11-A.

3. Learned counsel for the petitioners and learned Additional Advocate General, Sindh, agree that these petitions may be disposed of in terms of the aforesaid Notification dated 10.04.2026, and the law/bylaws, Service rules, subject to scrutiny of the individual claims by the concerned Administrative Departments/Institutions.

4. In view of the consensus between the parties and the legal position emerging from the aforesaid Notification, these petitions are disposed of with the following directions:

(i) The concerned Administrative Departments shall individually examine and scrutinize the claims and eligibility of each petitioner in the light of the amended Rule 11-A, the judgment dated 26.09.2024 passed by the Honourable Supreme Court of Pakistan in Civil Petition No.3390 of

2021, and the subsequent order dated 27.02.2026 passed by the Honourable Federal Constitutional Court of Pakistan in the relevant petitions.

(ii) The benefit of the aforesaid Notification shall be extended only where the petitioner establishes that a legally enforceable right to employment had accrued in his/her favour prior to the judgment dated 26.09.2024. Mere submission of an application or pendency of a claim shall not, by itself, confer an automatic right to appointment.

(iii) Each department shall independently verify the date of death of the deceased civil/public servant, the petitioner's relationship and dependency, where required, fulfilment of the prescribed qualifications and other conditions of service, and the relevant record to determine whether the right to employment had accrued before the aforesaid judgment.

(iv) The exercise shall be undertaken through reasoned and speaking orders in each case, strictly in accordance with the applicable provisions of the omitted Rule 11-A, the judgments of the Honourable Supreme Court and the Honourable Federal Constitutional Court, and the Notification dated 10.04.2026, without discrimination or favouritism. And if the committee is constituted to deal with such issues the matter shall be placed before the committee/ Competent authority for decision as discussed supra.

(v) In case a claim is found admissible, the concerned department shall process the appointment in accordance with law and the applicable service rules. Conversely, any claim found inadmissible shall be declined through a reasoned order, duly communicated to the concerned candidate/petitioner, who shall seek remedy as per law.

5. It is clarified that this order shall not be construed as conferring an automatic or vested right of appointment upon any petitioner, nor shall the disposal of these petitions be treated as an expression of opinion on the merits of any individual claim. The competent authorities shall remain at liberty to determine each case independently, but strictly within the parameters laid down by the superior Courts.

6. The above directions are issued with the consent of learned counsel for the petitioners, and learned Additional Advocate General, Sindh.

JUDGE

JUDGE

Irfan Ali