

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 139 of 2026

[Mudasir Hussain Jagirani v. Province of Sindh and others]

Before:

Justice Arbab Ali Hakro

Justice Muhammad Osman Ali Hadi

Petitioner by : Mr. Sanwan Khan Jagirani, Advocate

Respondents by : Mr. Ghulam Abbas Kubar, Assistant Advocate General Sindh along with Shoukat Ali Channa, Deputy Director DSE Primary, Sukkur and Javed Ahmed Channa, Focal Person DEO Primary, Sukkur

Date of Hearing : **06.08.2026**

Date of Decision : **06.08.2026**

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. The petitioner’s father, the late Abdul Qayoom Jagirani, served as a Primary School Teacher in the Education Department of the Government of Sindh and was posted at Government Primary School Village Dhareja, Kandhra. He died in service on 07.03.2010. At the relevant time, the petitioner was a minor, having been born on 24.02.2004, as reflected in his CNIC, which has been submitted by learned Counsel for the petitioner under a statement. The petitioner attained majority on 24.02.2022 and submitted his application for appointment under the deceased quota on 13.12.2022.
3. Learned counsel for the petitioner submits that, as a minor at the time of his father’s death, the petitioner applied after attaining majority and within the period prescribed under the then-prevailing Rule 11-A.
4. Statement has been filed by the Taluka Education Officer (Male), Primary, Rohri, and is taken on record.
5. 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*.

6. On the admitted facts, the petitioner's father expired while in service on 07.03.2010; the petitioner was a minor at the relevant time; he attained majority on 24.02.2022 and thereafter submitted his application for appointment against the deceased quota on 13.12.2022. Since the petitioner had attained majority prior to the cut-off date of 26.09.2024, his right under Rule 11-A had already accrued before the omission of the said Rule. The observations made by this Court in an 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, wherein it was held that a minor legal heir cannot be deprived of the benefit of the said provision merely due to circumstances beyond his control and that the right accrued in favour of such 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.

7. 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**.

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

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Abdul Basit