

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 774 of 2026

[Shah Zeb Ali Shaikh v. Province of Sindh and others]

Before:

Justice Arbab Ali Hakro

Justice Muhammad Osman Ali Hadi

Petitioner by : M/s Amir Ali Bhutto and Muhammad Uzair
Shaikh, Advocates

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

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 Irshad Ali Shaikh, served as Constable in the Excise, Taxation and Narcotics Control Department, Government of Sindh, and died in service on 21.01.2008. At the relevant time, the petitioner was a minor, having been born on 22.11.2000, as reflected in the Child Registration Certificate issued by NADRA. The petitioner attained majority on 22.11.2018 and submitted his application for appointment under the deceased quota on 15.10.2019. The respondents declined his claim on the ground that it was not covered under Rule 11-A *ibid*. It is also stated that the petitioner had earlier filed C. P. No. D-109 of 2023, which was dismissed as not pressed, with permission to file a fresh petition.

3. Learned counsel for the petitioner submits that the petitioner, being a minor at the time of death of his father, applied after attaining majority and within the period prescribed under the then prevailing Rule 11-A. He submits that the petitioner’s claim was not considered in its true perspective and was

declined without appreciating the beneficial object of the said Rule. He further relies on the unreported order dated 02.11.2023 passed by this Court in C. P. No. D-552 of 2021 (*Ihsanullah Mahar v. Province of Sindh and others*), wherein it was held that Rule 11-A is a beneficial provision and that a minor legal heir cannot be deprived of the benefit of the Rule due to circumstances beyond his control.

4. 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*.

5. On the admitted facts, the petitioner's father expired while in service on 21.01.2008; the petitioner was a minor at the relevant time; he attained majority on 22.11.2018 and submitted his application for appointment against deceased quota on 15.10.2019. His claim, therefore, arose and was pursued before the cut-off date of 26.09.2024. The observations made by this Court in *Ihsanullah Mahar* (*supra*) 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.

6. 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**.

7. 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