

HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Before:

Justice Arbab Ali Hakro

Justice Muhammad Jaffer Raza

C.P No.D-202 of 2026

[Usama v. Province of Sindh and others]

Petitioner by : Mr. Sandeep Kumar Maheshwari, Advocate.

Respondents by : Mr. Harish Chander, Assistant A.G Sindh a/w
DSE (ES&HS) and Deputy DEO, Mirpurkhas.

Date of Hearing : **14.05.2026**

Date of Decision : **14.05.2026**

ORDER

ARBAB ALI HAKRO J:- The petitioner seeks enforcement of his claim to appointment on deceased quota upon the demise of his father, late Abdul Lateef, who was serving as Chowkidar (BPS-01) at Government Girls Primary School, Tando Jan Muhammad and expired during service on 23.09.2022. The petitioner applied within the statutory period, fulfilled all codal requirements, and his case travelled through the entire administrative hierarchy without objection.

2. Heard and perused the record.

3. The record demonstrates that the Taluka Education Officer Primary, (Female), Digri forwarded the petitioner's application to the District Education Officer, Primary Mirpurkhas, who verified all documents, confirmed the death in service, certified that the petitioner applied within two years. The District Education Officer, Mirpurkhas, thereafter transmitted the complete verified file to the Director School Education, Mirpurkhas. The competent authority, i.e., the Chief Secretary, Government of Sindh, approved the petitioner's appointment and placed his name at Serial No.02 in the list of 16 candidates

approved for appointment against the deceased quota as Junior Clerk (BPS-11) vide letter dated 20-06-2024. The case was subsequently placed before the District Recruitment Committee on 10.07.2024 for implementation. Despite this, no appointment order has been issued.

4. The respondents' comments do not dispute the factual matrix. Their only legal objection rests on the omission of Rule 11-A of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974, pursuant to the judgment in the **GPO case**¹. This contention cannot prevail in view of the latest pronouncement of the Federal Constitutional Court of Pakistan in the case of **Muhammad Rizwan Khan**², wherein it has been conclusively held that the right under Rule 11-A accrues on the date of death of the civil servant, and that the subsequent omission of the Rule does not operate retrospectively to extinguish accrued rights or unsettle past and closed transactions.

5. The petitioner's father died on 23.09.2022, when Rule 11-A was fully operative. The petitioner applied within two years; his case was duly verified, recommended and approved by the competent authority. His right, therefore, crystallised prior to the omission of Rule 11-A and stands fully protected under the binding law declared by the Federal Constitutional Court. The respondents' continued inaction is arbitrary and unjustified.

6. For these reasons, this petition merits interference; therefore, the same is **allowed**. The respondents are directed to issue the appointment order of the petitioner as Junior Clerk (BPS-11) against the deceased quota, in accordance with the approval already granted by the competent authority, within thirty (30) days from the date of this order, subject to completion of routine pre-appointment formalities not already fulfilled.

¹ General Post Office, Islamabad and others Vs. Muhammad Jalal (PLD 2024 SC 1276)

² Province of Sindh v. Muhammad Rizwan Khan & others (order dated 27.02.2026)

Office is directed to transmit a copy of this order to the Chief Secretary, Government of Sindh; the Secretary, Education and Literacy department, Government of Sindh; the Director School Education, Elementary, Secondary and Higher Secondary, Mirpurkhas and the Deputy Commissioner / Chairman District Recruitment Committee, Mirpurkhas, for information and strict compliance.

JUDGE

JUDGE

Faisal