ORDER SHEET

THE HIGH COURT OF SINDH, BENCH AT SUKKUR

C. P. No. D – 2115 of 2025
[Manzar Hussain v. Province of Sindh & others]

Present:
Mr. Justice Adnan Iqbal Chaudhry
Mr. Justice Muhammad Osman Ali Hadi

For Petitioner	:	Mr. Muhammad Aslam Gadani, Advocate
For Respondents	:	Mr. Zulfiqar Ali Naich, Assistant Advocate General Sindh
Date of hearing	:	11.11.2026
Date of decision	:	11.11.2026

O R D E R

Adnan Iqbal Chaudhry J.– The AAG Sindh submits comments of the Special Secretary, Health Department, Government of Sindh to oppose the petition which seeks appointment on the deceased quota under the erstwhile Rule 11-A of the Sindh Civil Servants (Appointment, Promotion & Transfer), Rules, 1974 **[APT Rules]**. That provision had been declared unconstitutional by the Supreme Court of Pakistan in the case of *General Post Office, Islamabad v. Muhammad Jalal* (**PLD 2024 SC 1276**), whereafter Rule 11-A was omitted from the APT Rules. However, subsequently, by Notification dated 30.04.2026, the Government of Sindh inserted a proviso to the omission of Rule 11-A while relying on an observation made by the Federal Constitutional Court. That proviso reads:

> **"***Provided that if a right of employment had already accrued to any of the children or, as the case may be, spouse of the civil servant, he or she shall not be deprived of the benefit accrued to him or her prior to the judgment of the Hon'ble Supreme Court of Pakistan dated 26.09.2024, passed in Civil Petition No. 3390 of 2021, notwithstanding the omission of Rule 11-A thereunder, as observed by the Hon'ble Federal Constitutional Court of Pakistan vide order dated 27.02.2026 in F.C.P.L.A Nos. 508, 591, 346, 347, 348, 589, 267, 593, 130 and 353 of 2025, 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 of the Rules ibid.*"

Learned AAG Sindh points out that pursuant to said notification, all applications for appointment on the deceased quota where the right had accrued prior to Muhammad Jalal's case are now being examined and scrutinized by a Scrutiny Committee constituted by the Secretary of the concerned Department. He states that the petitioner may also approach the concerned Secretary.

In view of the foregoing developments, the petitioner may approach the Secretary, Health Department, Government of Sindh, or the Scrutiny Committee constituted by him, as the case may be, for assessing his application under aforesaid notification dated 30.04.2026 as suggested by the AAG Sindh. Petition is **disposed of** in said terms.

J U D G E

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Abdul Basit