

Order Sheet
IN THE HIGH COURT OF SINDH,
BENCH AT SUKKUR

Const. Petition No.D-1244 of 2021

Date of hearing	Order with signature of Judge.
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For Directions
For hearing of CMA 7995/24

09-09-2025

Mr. Abdul Naeem Pirzada, Advocate for the applicant/petitioner.
Mr. Ali Raza Baloch, Additional A.G a/w Abid Saleem Qureshi,
Commissioner, Sukkur, Nadir Shahzad, Deputy Commissioner, Sukkur
and Naheed Ahmed Mirani, ADC-1, Sukkur and Hazoor Bux, District
Accounts Officer, Sukkur.

Mr. Fahad Hussain, Advocate files Vakalatnama as well as
statement on behalf of alleged contemnor No.3. Learned AAG places on
record certain orders under the cover of his statement. He also files
replies to explanation on behalf of respondents No.1, 2 and 4. For the
reasons as disclosed in replies, the show-cause notices issued to
alleged contemnors are vacated for the time being.

Perusal of the order dated 23.05.2024 reflects that a copy
thereof was directed to be sent only to the Chief Secretary, Sindh and
the concerned Head of Department for compliance. However, apart
from the said two respondents, counsel for the petitioner has
unnecessarily impleaded the Secretary, Revenue Department,
Commissioner Sukkur and ADC-I Sukkur as parties. When confronted,
learned counsel could not furnish any satisfactory explanation. Due to
such, a coercive process was issued against said respondents and on
perusal it is found that they were made unnecessarily as alleged
contemnors. In these circumstances, the office is directed to delete the
names of alleged contemnors No.2, 4 and 5 and cost of Rs.20,000/-
(Rupees Twenty Thousand only) is imposed upon the petitioner, to be
deposited in the High Court Clinic Fund within seven days.

So far as compliance of the order dated **23.05.2024** is
concerned, today learned AAG has placed on record a copy of order

dated 09.09.2025, passed by the Chief Secretary, Sindh, whereby the case of the petitioner has been regretted on the grounds that at the time of death of his father, the petitioner was a minor and did not fulfill the requirements as envisaged in the guidelines issued by the Hon'ble Supreme Court; besides, at present, Rule 11-A of the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974, also does not exist. We have gone through the order dated 23.05.2024, wherein at para-5 it was categorically held by this Court that:

“5. In the wake of these clear-cut directions by the Supreme Court, a notification was issued in December 2016 by the Government of Sindh incorporating the aforesaid directions. It is not disputed that the father of the petitioner had died before the restraining clause envisaging a cap of two years on legal heirs of deceased or incapacitated employees to apply for a job was introduced in section 11-A of the Sindh Civil Servants (Appointment, Promotion, and Transfer) Rules, 1974. Therefore limitation of two years to apply for a job after the death of his father does not apply to the case of petitioner for the reason that just after attaining the age of majority, the petitioner became entitled to apply against the deceased quote appointment.” (Emphasis applied).

As regards the other ground for declining the petitioner's case i.e. reliance upon the guidelines of the Hon'ble Supreme Court in the case of General Post Office Islamabad v. Muhammad Jalal (PLD 2024 SC 1276), it may be noted that the Hon'ble Supreme Court, in a recent order dated 02.09.2025 passed in C.A.No.113-K/2024 etc., has been pleased to observe in para-2 as under:

“2. We have considered the arguments of the learned Addl. Advocate General but the ground reality that this Court rendered the judgment in Muhammad Jalal case supra on 26th September 2024, while all the impugned orders passed by the High Court much before the date of aforesaid Judgment where the Interpretation of Rule 11-A of APT Rules 1974 was involved before the learned Divisional Benches of the High Court and they within the parameter of law decided the cases with certain directions which have not been complied with. Therefore, at this stage the appellants cannot take the shelter of the Supreme Court's judgment, which will obviously be applied prospectively and not retrospectively i.e. 26th September 2024. So far as the

merits of the impugned orders are concerned, we have considered aforesaid Impugned orders and do not find any justification to cause any interference. We have also noted that pleas advanced by the appellants at the time of granting leave were also considered by the High Court. All appeals are dismissed". (Emphasis applied).

Since it has already been held by this Court that the limitation of two years for applying on deceased quota does not apply in the case of the petitioner. Furthermore, in the case of Muhammad Jalal (**supra**), the Hon'ble Supreme Court has clearly held that the said judgment is to be applied prospectively and not retrospectively, i.e. with effect from 26.09.2024. In view of the foregoing, the report submitted by the Chief Secretary, Government of Sindh is found to be unsatisfactory; as he has failed to properly appreciate the order dated 23.05.2024 as well as the recent order dated 02.09.2025 (**supra**) of the Hon'ble Supreme Court. Accordingly, in light of the above, the Chief Secretary, Sindh is directed to reconsider the matter in accordance with law, clarify the position, and pass a fresh order within a period of one week, under intimation and compliance report to this Court.

Adjourned to **25.09.2025**. Let copy of this order along with copy of order dated 23.05.2024 be communicated to Chief Secretary, Sindh through learned Addl. A.G Sindh for information and compliance. Focal Person of the Chief Secretary Sindh shall be in attendance along with compliance report.

JUDGE

JUDGE