

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 1493 of 2026

[Nizakat Ali Lohar v. Province of Sindh and others]

Before:

Justice Arbab Ali Hakro

Justice Nisar Ahmed Bhanbhro

Petitioner by : Mr. Badaruddin Memon, Advocate

Respondents by : Mr. Zulfiqar Ali Naich, Assistant Advocate General Sindh along with Abdul Qayoom Tunio, Mukhtiarkar Ubauro, District Ghotki @ Mirpur Mathelo

Date of Hearing : **24.09.2026**

Date of Decision : **24.09.2026**

ORDER

ARBAB ALI HAKRO, J. – The petitioner, Nizakat Ali, asserts that his late father, Liaquat Ali, was serving as a Chowkidar at Government Boys Primary School (GBPS) Garhi Chaker, Taluka Mirpur Mathelo, District Ghotki, when he expired during service on 24.09.2010. Per the Heirship Certificate and Family Registration Certificate (FRC) available on record, the deceased left behind a widow, two sons and two daughters. All legal heirs executed No Objection Affidavits in favour of the petitioner for appointment against the deceased quota. At the time of his father's death, the petitioner (born on 20.04.2002) was a minor aged about eight (08) years.

2. Upon attaining majority, the petitioner submitted an application dated 07.05.2020 addressed to Respondent No.4 [District Education Officer (Primary), Ghotki @ Mirpur Mathelo] for appointment against the deceased quota under Rule 11-A of the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974. The record reflects that the petitioner's case was duly processed and forwarded up the administrative hierarchy: vide letter dated 14.07.2023, Respondent No.4 forwarded the application along with the requisite verified documents to Respondent No.2 [Director, School Education (Primary), Sukkur Region]; subsequently, vide letter dated

21.07.2023, Respondent No.2 forwarded the matter to Respondent No.1 (Secretary, School Education & Literacy Department, Government of Sindh, Karachi) for final approval. However, no final determination has been made by the department so far.

3. Learned Counsel for the petitioner submits that the petitioner's claim was fully processed and forwarded through proper departmental channels prior to the cut-off date, and that the matter remains pending without any fault on the part of the petitioner.

4. Learned AAG Sindh submits that if the petitioner's case falls within the protective ambit of the law and applicable notifications, the same shall be considered and decided strictly on merit and in accordance with law by the administrative department.

5. We have heard the learned counsel for the petitioner as well as the learned AAG Sindh and perused the material on record.

6. The legal position regarding claims initiated prior to 26.09.2024 stands well settled. The Notification dated 30.04.2026, issued by the Services, General Administration & Coordination Department (Regulations Wing), Government of Sindh, explicitly protects accrued rights arising prior to the omission of Rule 11-A. It expressly mandates that where a right of employment had accrued prior to 26.09.2024, the legal heir shall not be deprived of the accrued benefit and shall be considered and decided at the level of the Administrative Department, on merit and in accordance with all provisions of the saved Rule 11-A *ibid*.

7. On the admitted facts, the petitioner's father died in service on 24.09.2010; the petitioner reached majority, applied on 07.05.2020, and his claim was processed and transmitted up to the Administrative Department vide departmental letters dated 14.07.2023 and 21.07.2023. Thus, the petitioner's right accrued and was actively processed through official channels long prior to the cut-off date of 26.09.2024. His case, therefore, falls squarely within the protective ambit of the Notification dated 30.04.2026 and cannot be defeated by the subsequent omission of Rule 11-A.

8. In view of the statutory framework and binding judicial precedents, this petition is **disposed of** referring the matter to Respondent No.1 (Secretary to Government of Sindh, School Education & Literacy Department, Karachi) to consider and decide the petitioner's application strictly in accordance with the saved Rule 11-A, the Notification dated 30.04.2026, and all applicable service rules. The competent authority shall pass a reasoned and speaking order on merit within ninety (90) days from the date of receipt of a copy of this order.

9. Office is directed to communicate a copy of this order to Respondent No.1 for compliance through all available modes, including electronic transmission.

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Abdul Basit