

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 221 of 2026

[Abid Ali Wassan v. Province of Sindh and others]

Before:
Justice Arbab Ali Hakro
Justice Nisar Ahmed Bhanbhro

Petitioner by : Mr. Mehboob Ali Wassan, Advocate

Respondents by : Agha Athar Hussain Pathan, Assistant A.G. Sindh along with Nazir Hussain, Taluka Education Officer (Primary), Kotdiji

Date of Hearing : **24.09.2026**

Date of Decision : **24.09.2026**

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 Ghulam Raza Wassan, served as a Primary School Teacher (BPS-16) at Government Boys Primary School Ghulam Qasim Khaskheli, Taluka Kotdiji, District Khairpur, and died while in service on 20.04.2023. The petitioner submitted an application along with relevant educational documents to Respondent No.1 (Secretary, School Education & Literacy Department, Government of Sindh, Karachi) for appointment against the deceased quota under Rule 11-A *ibid*. The respondents conducted mutual correspondence for necessary verification of documents and completion of all codal formalities. Thereafter, Respondent No.4 (Deputy Commissioner, Khairpur) issued a letter dated 25.09.2024 to Respondent No.3 [District Education Officer (Primary), Khairpur], who moved a letter dated 07.10.2024 to Respondent No.2 [Director, School Education (Primary), Sukkur Region]. Respondent No.2 subsequently forwarded the case vide letter dated 10.10.2024 to Respondent No.1, where the matter, along with the vacancy position issued by the department, remains pending for final determination.

3. Learned Counsel for the petitioner submits that the petitioner’s case was fully processed and forwarded through the proper departmental

channels after fulfilling all requisite formalities and that any administrative delay rests solely with the respondent authorities.

4. Learned AAG Sindh submits that if the petitioner's claim falls within the protective purview of the Notification dated 30.04.2026, 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. Recently, the Notification dated 30th April 2026, issued by the Services, General Administration & Coordination Department (Regulations Wing), Government of Sindh, amends the legal position arising from 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 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 omitted Rule 11-A *ibid*.

7. On the admitted facts, the petitioner's father died while in service on 20.04.2023. The petitioner moved his application well before the cut-off date, and his case was extensively processed, verified and forwarded by the District authorities (including the Deputy Commissioner, Khairpur) prior to 26.09.2024. His right, therefore, matured prior to the cut-off date. His case consequently falls squarely within the protective ambit of the saving proviso and cannot be defeated by the subsequent omission of Rule 11-A or by the interpretation rendered in **PLD 2024 SC 1276**.

8. In view of the statutory mandate contained in the Notification dated 30.04.2026, the matter is referred to the concerned Administrative Department (Respondent No.1), which 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 and speaking order within ninety (90) days of receipt of a copy of this order. With these directions, the instant petition stands **disposed of**.

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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