

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 1532 of 2026

[Akram Ali Thebo v. Province of Sindh and others]

Before:
Justice Arbab Ali Hakro
Justice Nisar Ahmed Bhanbhro

Petitioner by : Mr. Arif Ali Lashari, Advocate

Respondents by : Mr. Israr Ahmed Shah, Assistant Advocate General Sindh

Date of Hearing : **24.09.2026**

Date of Decision : **24.09.2026**

ORDER

ARBAB ALI HAKRO, J. – The petitioner, Akram Ali, asserts that his late father, Ali Muhammad Thebo, was serving as a Constable in the Excise and Taxation Office, Khairpur, and expired during service on 25.10.2014. At the time of his father’s death, the petitioner (born on 10.02.2008) was a minor. Upon attaining majority, the petitioner applied for appointment against the deceased quota under Rule 11-A of the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974. His application dated 03.06.2026, addressed to Respondent No.1 (Secretary to Government of Sindh, Excise, Taxation & Narcotics Control Department, Karachi), is available on record, but no final determination has been made by the department so far.

2. Mr. Israr Ahmed Shah, learned Assistant Advocate General Sindh, present in Court in connection with other matters, waives notice on behalf of all the respondents and 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.

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

4. The main question that arises is whether the subsequent omission of Rule 11-A of the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974, impacts the petitioner’s claim. The legal position in this regard stands well settled. The omission of Rule 11-A following the judgment of the Hon’ble Supreme Court in *General Post Office, Islamabad and others v.*

Muhammad Jalal (PLD 2024 SC 1276) does not bar the claim. The Federal Constitutional Court of Pakistan in *The Province of Sindh v. Muhammad Rizwan Khan and others* (F.C.P.L.A. Nos. 508, 591, 346, 347, 348, 589, 267, 593, 130 and 353 of 2025) held that the declaration in *Muhammad Jalal* operates prospectively and does not extinguish rights that had already accrued.

5. In *Muhammad Rizwan Khan* (supra), the Federal Constitutional Court of Pakistan specifically considered whether the declaration concerning Rule 11-A could extinguish rights that had accrued before that judgment. The Province of Sindh contended that Rule 11-A had been struck down and that no right could be claimed without formal appointment orders. That contention was not accepted. It was held that the event giving rise to the right is the death of the civil servant while in service, that the subsequent process of application and issuance of the appointment letter consists of administrative acts, and that *Muhammad Jalal* would not be applied retrospectively so as to defeat rights already accrued.

6. Since the accrual event (the death of the petitioner's father on 25.10.2014) predates the cut-off date of 26.09.2024, the claim is protected by the Notification dated 30.04.2026 issued by the Services, General Administration & Coordination Department (Regulations Wing), Government of Sindh, which gives effect to this beneficial protection by saving such rights for merit-based decision under the omitted Rule 11-A.

7. In view of the above statutory framework and binding judicial precedents, this petition is **disposed of** referring the matter to Respondent No.1 (Secretary to Government of Sindh, Excise, Taxation & Narcotics Control Department, Karachi) to consider and decide the petitioner's application dated 03.06.2026 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.

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

J U D G E

J U D G E