

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 848 of 2024

[Javed Ahmed Chachar v. Province of Sindh and others]

Before:
Justice Arbab Ali Hakro
Justice Nisar Ahmed Bhanbhro

Petitioner by : Mr. Abdul Naeem Pirzada, Advocate

Respondents by : Mr. Zulfiqar Ali Naich, Assistant Advocate General Sindh

Date of Hearing : 29.09.2026

Date of Decision : 29.09.2026

ORDER

ARBAB ALI HAKRO, J. – Through this constitutional petition, the petitioner seeks appointment against the deceased quota as Police Constable or Junior Clerk or any other post, on the death of his father while serving in the department.

2. The petitioner, Javed Ahmed, is the son of late Muhammad Ibraheem, Police Constable (PC-2633), who served under Respondent No.4 (Senior Superintendent of Police, Sukkur) and died in service on 30.09.2019. An obituary was issued on 31.10.2019. The petitioner is an Intermediate, and holds the domicile and PRC of District Sukkur. He applied to Respondent No.4 on 26.11.2019 for appointment under the deceased quota. A letter dated 03.12.2019 was issued for verification of his CNIC, but nothing further followed. His mother, Mst. Zulekhan, applied to Respondent No.3 (Deputy Inspector General of Police, Sukkur Range) on 16.03.2021, and his documents were verified, yet no appointment was made.

3. Learned counsel for the petitioner submits that the petitioner’s case is governed by Rule 11-A of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974 (“**the 1974 Rules**”). As it stood before its omission, the Rule provided that where a civil servant dies in service or is declared invalidated or incapacitated for further service, one of his/her

children or, as the case may be, spouse (when all the children of the deceased employee are minor) shall be provided a job who applies within a period of two years of death or declaration of invalidity or incapacity of civil servant on any of the Basic Pay Scales 1 to 11 in the Department where such civil servant was working. It further provided that such appointment shall be made after fulfillment of formalities as required in the recruitment rules and holding interview, for the post applied for; that the cut off date shall be within two years of the death of the officer or official; and that if a right of employment has already accrued to any of the children of deceased or invalidated or incapacitated civil servant then the former shall not be deprived of the benefit accrued to him under Notifications dated 11.03.2008 and 17.07.2009 of these rules.

4. A consolidated statement has been filed by Respondent No.4 on his own behalf and on behalf of Respondent No.3. It is submitted that, on an advertisement published on 22/23.01.2022, the petitioner applied for the post of Police Constable against the deceased quota. The recruitment was governed by the Sindh Police (Shaheed, Deceased, Permanently Invalidated or Incapacitated Quota) Recruitment Rules, 2021 (**“the 2021 Rules”**). According to the report of Sub-Committee-IV, headed by DIGP Training, Karachi, the petitioner participated in the process but did not qualify the written test for Police Constable. However, as per the 2021 Rules, petitioner has remedy to apply for the post of Ministerial and Class-IV Staff.

5. Rule 11-A was declared unconstitutional by the Supreme Court in *General Post Office, Islamabad v. Muhammad Jalal* (PLD 2024 SC 1276), decided on 26.09.2024. The Services, General Administration and Coordination Department (Regulations Wing), after later pronouncement by the Federal Constitutional Court of Pakistan, by Notification dated 30.04.2026, has clarified that where a right of employment accrued before 26.09.2024, the legal heir shall not be deprived of the accrued benefit, and the case shall be considered at the level of the Administrative Department on merit in accordance with the saved Rule 11-A.

6. The petitioner cannot claim appointment as Police Constable. It is a post reserved for the police force, and appointment to it is made through a

competitive process on merit under the applicable recruitment rules. He took part in that process under the 2021 Rules and did not qualify the written test. No direction for his appointment to that post can be issued.

7. On the admitted facts, the petitioner applied on 26.11.2019, within two years of his father's death on 30.09.2019, so that his right under Rule 11-A accrued well before 26.09.2024. Rule 11-A was not confined to posts like Police Constable; it extended to any post in BPS-1 to BPS-11 in the Department, and the third proviso protects a right that has already accrued. Furthermore, as candidly conceded in the comments filed by the respondents, under the 2021 Rules the petitioner still holds an available remedy to be considered for appointment against the Ministerial and Class-IV Staff cadres. The record does not show that the petitioner's application of 26.11.2019 was ever evaluated or considered for any such Ministerial or Class-IV posts in BPS-1 to BPS-11.

8. In view of the above statutory framework and binding judicial precedents, this petition is **disposed of** referring the matter to Respondents No.1 and 2 (Secretary, Home Department, Government of Sindh, Karachi and Inspector General of Police, Sindh, Karachi / Administrative Department) to consider and decide the petitioner's application dated 26.11.2019 strictly in accordance with the saved Rule 11-A, the Notification dated 30.04.2026, and all applicable service rules, for consideration against any available vacant post in BPS-1 to BPS-11 (including Ministerial and Class-IV Staff) in the Police Department. 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 Respondents No.1 and 2 through all available modes, including electronic transmission, for immediate compliance.

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