

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 1337 of 2024

[Waqar Ahmed Kalhoro 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. Ghulam Abbas Kubar, Assistant Advocate
General Sindh

Date of Hearing : **30.09.2026**

Date of Decision : **30.09.2026**

ORDER

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

2. Briefly stated, the petitioner, Waqar Ahmed, is the son of late Khan Muhammad Kalhoro, who served as Sub-Inspector under Respondent No.4 (Senior Superintendent of Police, Sukkur) and passed away during service on 08.06.2020. Respondent No.3 (Deputy Inspector General of Police, Sukkur Range) issued an obituary dated 13.07.2020. The petitioner, having qualified Intermediate, applied to Respondent No.4 on 09.08.2021 for appointment as Junior Clerk under the deceased quota. Respondent No.4 got his Domicile, PRC, and Heirship Certificate verified, but no appointment order was issued despite frequent approaches.

3. Pursuant to an advertisement published on 22/23.01.2022, Respondent No.4 prepared a list of legal heirs of Shaheed/Deceased and Permanently Invalidated/Incapacitated employees vide letter dated 31.01.2022, including the petitioner. The petitioner again applied for the post of WHC/HC Wireless Operator. His physical and written tests were conducted on 08.12.2022 at

Police Training College, Saeedabad, Karachi; however, the department did not recommend his name for appointment thereunder.

4. 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 spouse (when all children are minor) shall be provided a job on application within two years of death on any post in BPS-1 to BPS-11 in the department. He further submits that the petitioner applied well within two years, and his accrued right cannot be defeated due to administrative inaction.

5. In response, a statement dated 07.11.2024 was filed on behalf of Respondents No.3 and 4, submitting that the petitioner participated in the recruitment process governed by the Sindh Police (Shaheed, Deceased, Permanently Invalidated or Incapacitated Quota) Recruitment Rules, 2021 (**"the 2021 Rules"**) for the post of HC Wireless Operator, but did not qualify the written test. However, it was stated that under the 2021 Rules, the petitioner has a remedy to apply for Ministerial and Class-IV Staff posts.

6. During the hearing of the matter, a subsequent statement dated 30.09.2026 has been filed on behalf of Respondents No.3 and 4. In Paragraph 10 thereof, it is stated that the competent authority has initiated a fresh recruitment process vide Letter No. 5265-69/ESTT/T&R/S&S/2026 dated 27.08.2026 issued by the Inspector General of Police / Secretary to Government of Sindh, Police Department, Karachi. In Paragraph 11 thereof, it is stated that the petitioner may participate in the aforesaid fresh recruitment process by submitting his application.

7. Rule 11-A of the 1974 Rules 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), Government of Sindh, by Notification dated 30.04.2026, 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.

8. On the admitted facts, the petitioner applied on 09.08.2021, within two years of his father's death on 08.06.2020, so that his right under Rule 11-A accrued well before 26.09.2024. Although he did not qualify the test for the post of WHC/HC Wireless Operator, Rule 11-A extended to any post in BPS-1 to BPS-11 in the department. As conceded by the respondents, the petitioner retains his remedy for appointment against Ministerial and Class-IV Staff posts, and the department has now initiated a fresh recruitment process vide letter dated 27.08.2026.

9. In view of the above statutory framework, saved rights under the Notification dated 30.04.2026, and the fresh recruitment process initiated by the department, this petition is **disposed of** with direction that Respondents shall consider the petitioner's application for appointment against any available vacant post in BPS-1 to BPS-11 (including Ministerial and Class-IV Staff) in the Police Department under the fresh recruitment process initiated vide Letter No. 5265-69/ESTT/T&R/S&S/2026 dated 27.08.2026, strictly in accordance with the saved Rule 11-A, the Notification dated 30.04.2026, and applicable recruitment 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.

10. Office is directed to communicate a copy of this order to Respondent No.1 (Secretary, Home Department, Government of Sindh, Karachi) and Respondent No.2 (Inspector General of Police, Sindh, Karachi) through all available modes, including electronic transmission, for immediate compliance.

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Abdul Basit