

THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 558 of 2025

[Ihsam Ali Dharejo v. Province of Sindh and others]

Before:
Justice Arbab Ali Hakro
Justice Nisar Ahmed Bhanbhro

Petitioner by : Mr. Achar Khan Gabol, Advocate

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

Date of Hearing : **29.09.2026**

Date of Decision : **29.09.2026**

ORDER

ARBAB ALI HAKRO, J. – This constitutional petition concerns the protective operation of the Notification dated 30.04.2026, issued by the Services, General Administration & Coordination Department (Regulations Wing), Government of Sindh, preserving accrued employment rights of legal heirs of deceased civil servants under the omitted Rule 11-A of the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974.

2. Briefly stated, the petitioner’s father, the late Lutfullah Dharejo, served as a Chowkidar at Government (Boys) Primary School Muhammad Pur, Taluka Ghotki, and passed away while in service on 16.11.2020. Immediately thereafter, the petitioner applied for appointment against the deceased quota. The administrative machinery processed his claim through various stages:

- **28.01.2021:** The Section Officer (DQ), School Education & Literacy Department, Government of Sindh, forwarded the petitioner’s application to Respondent No.2 [Director, Schools Education (Primary), Sukkur] for furnishing documents mentioned therein.

- **29.09.2021:** Respondent No.4 [Taluka Education Officer Primary (Male), Ghotki] forwarded the case to Respondent No.3 [District Education Officer (Primary), Ghotki @ Mirpur Mathelo].
- **27.04.2023:** The Section Officer (DQ) communicated to Respondent No.2 the approved processing sheet/summary by the Committee headed by the Chief Secretary, Sindh, for appointment of the petitioner as Junior Clerk (BPS-11) against the deceased quota, subject to fulfillment of codal formalities including interview and verification of requisite documents by District Recruitment Committee (DRC).
- **22.05.2023 & 11.07.2023:** Respondent No.2 forwarded the approval to Respondent No.3, who requested the Deputy Commissioner, Ghotki @ Mirpur Mathelo, to convene the DRC meeting.
- **21.06.2024 & 07.08.2024:** The DRC meeting was held, and the minutes issued on 07.08.2024 specifically recommended the petitioner at **Serial No.8** for appointment as Junior Clerk (BPS-11) under the deceased quota.
- **13.11.2024:** Respondent No.3 addressed a letter to the Section Officer (Deceased) noting that, although the petitioner was duly recommended, the offer/posting order could not be issued earlier due to a temporary lack of clear vacant posts, but as posts have since become vacant due to promotions from Junior Clerk to Senior Clerk, clarification was sought in light of judicial precedent (Civil Petition No.3390 of 2021) to issue the offer order.

3. Before dealing with the legal merits, a serious conduct issue on the part of Respondent No.2 requires explicit judicial notice. Vide order dated 30.04.2026, this Court observed:

“In-spite of receiving notices, the respondent No.2 failed to submit his para-wise comments. Let show-cause notice be issued to him, for appearing in person.”

4. Pursuant thereto, a show-cause notice dated 04.05.2026 was issued and duly served, as evidenced by the bailiff's endorsement on its backside, showing receipt by Abdul Rehman, Junior Clerk, on 06.05.2026 bearing the official stamp of the Dispatcher, Directorate of School Education (Primary), Sukkur Region, Sukkur. Despite such clear service and specific directions, no para-wise comments were submitted nor was any explanation furnished. Such defiance, apathy and recalcitrant conduct towards Court orders on the part of a senior departmental officer cannot be condoned. Respondent No.1 (Secretary, School Education & Literacy Department, Government of Sindh) is accordingly directed to initiate appropriate administrative action under the relevant law/rules against the officer who was posted as Respondent No.2 [Director, School Education (Primary), Sukkur Region] **at the time the show-cause notice was received on 06.05.2026**, for his contumacious attitude and failure to comply with judicial directives.

5. Learned counsel for the petitioner contends that the petitioner's right to appointment matured long prior to the cut-off date of 26.09.2024, having been explicitly recommended by the Chief Secretary's Committee as well as the DRC, and that administrative delays or temporary non-availability of vacancies cannot defeat an accrued statutory right.

6. Learned AAG Sindh candidly submits that since the petitioner's case was fully processed, approved and recommended by the competent forums prior to the cut-off date, his claim falls squarely within the protective purview of the Notification dated 30.04.2026 and shall be considered and decided strictly on merit and in accordance with law by the administrative department.

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

8. The legal position governing claims under the deceased quota stands fully clarified. 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

rendered in *General Post Office, Islamabad v. Muhammad Jalal* (PLD 2024 SC 1276) operates prospectively and does not extinguish rights that had already accrued prior to 26.09.2024. The event giving rise to the right is the death of the civil servant while in service. Subsequent processing, committee approvals, and issuance of offer letters constitute mere administrative steps.

9. To give effect to this beneficial protection, the Government of Sindh, through the SGA&CD (Regulations Wing), issued the Notification dated 30.04.2026, which expressly preserves and saves all accrued rights of legal heirs where the civil servant died and the claim was initiated/processed prior to 26.09.2024, directing that such matters be decided on merit by the Administrative Department under the provisions of the saved Rule 11-A.

10. On the admitted facts of the present case, the petitioner's father died on 16.11.2020. The petitioner's case was not only initiated but fully processed, approved by the Chief Secretary's Committee as per correspondence dated 27.04.2023, and formally recommended by the DRC on 21.06.2024 (minutes dated 07.08.2024). His right stood fully vested and matured well before the cut-off date of 26.09.2024. The subsequent procedural delay in issuing the formal offer letter, owing merely to temporary vacancy adjustments, cannot extinguish or prejudice his accrued right.

11. In view of the above statutory framework, the Notification dated 30.04.2026, and binding judicial precedents, this petition is **disposed of** by referring the matter to Respondent No.1 (Secretary, School Education & Literacy Department, Government of Sindh, Karachi / Administrative Department) to issue necessary directions/clarifications and pass an appropriate, reasoned, and speaking order for the issuance of the appointment/offer order to the petitioner against the saved deceased quota in terms of the DRC recommendations dated 07.08.2024 and available vacancies, within ninety (90) days from the date of receipt of a copy of this order.

12. Respondent No.1 shall also conduct an inquiry and take administrative action against the then Director, School Education (Primary), Sukkur Region, as observed in paragraph 3 above, and report compliance to the Additional Registrar of this Court within sixty (60) days.

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

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Abdul Basit