IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

C. P. No. D – 999 of 2025

[***Mst. Saira Kumbhar v. Province of Sindh and others***]

Before:
Mr. Justice Arbab Ali Hakro,
Mr. Justice Muhammad Osman Ali Hadi,

Petitioner by	:	Mr. Riaz Hussain Mirani, Advocate
Respondents by	:	Mr. Liaquat Ali Shar, Addl. A.G. Sindh, assisted by Mr. Aftab Ahmed Bhutto, Asst. Advocate General, along with Siraj Ahmed Soomro, Focal Person to Deputy Commissioner, Larkana and Dr. Rakesh Lal, Focal Person to District Health Officer, Larkana.
Date of Hearing	:	**05.11.2026**
Date of Decision	:	**05.11.2026**

O R D E R

ARBAB ALI HAKRO, J. – Through this constitutional petition filed under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the petitioner seeks a declaration that the action of the respondents in not considering her case for appointment under deceased quota against the post of Lady Health Worker in the Health Department, Govt. of Sindh, is illegal and without lawful authority. The petitioner further seeks directions to the respondents to appoint her in accordance with Rule 11-A of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974.

2. The facts, stated briefly, are that the petitioner is the daughter of late Farzana Kumbhar, who was serving as Lady Health Worker in BPS-05 under the administrative control of District Health Officer, Larkana and died in service on 24.04.2021. The petitioner submitted her application for appointment under the deceased quota on 16.03.2023.

3. Learned counsel for the petitioner submits that the petitioner applied for appointment within period prescribed under the then prevailing Rule 11-A.

4. Recently, the Notification dated 30th April 2026, issued by the Services, General Administration & Coordination Department (Regulations Wing), Government of Sindh, amends the legal position created after 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 benefit accrued and shall be considered and decided at the level of the Administrative Department, on merit and in accordance with all provisions of omitted Rule 11-A ibid.

5. On the admitted facts, the petitioner's father died in service in April, 2021; the petitioner submitted her application for appointment against the deceased quota on 16.03.2023. Since the petitioner had applied before the cut-off date of 26.09.2024, her right under Rule 11-A had already accrued before the omission of the said Rule. The observations made by this Court in the unreported case of *Ihsanullah Mahar v. Province of Sindh and others* **(C.P. No. D-552 of 2021)** further reinforce the beneficial nature of Rule 11-A, holding that a minor legal heir cannot be deprived of the benefit of the said provision merely because of circumstances beyond her control, and that the right accrued in favour of such a legal heir is to be considered in accordance with the scheme of the Rule. Although the legal position concerning compassionate appointment under the omitted Rule was considered by the Hon'ble Supreme Court in **PLD 2024 SC 1276**, the subsequent Notification dated 30.04.2026 expressly preserves accrued rights arising prior to 26.09.2024. Consequently, the petitioner's claim falls within the protective ambit of the said Notification and is liable to be considered in accordance with the omitted Rule 11-A, the Notification, and the applicable service rules.

6. Learned Addl. A.G., files statement on behalf of respondent No.6/Deputy Commissioner, Larkana and while referring to the para-wise comments already filed on behalf of respondent No.5, accedes to disposal of the petition in the light of above legal position.

7. In view of the statutory mandate contained in the Notification dated 30.04.2026, the matter is referred to the concerned Administrative Department, who shall consider and decide the petitioners' claim strictly in accordance with the saved Rule 11-A, the said Notification and the applicable

service rules, by passing a reasoned, speaking order within a period not exceeding ninety (90) days, from the date of receipt of this order. With these directions, the instant petition stands **disposed of**.

8. Office is directed to communicate a copy of this order to the concerned Administrative Department through all available modes, including electronic transmission, for compliance.

J U D G E

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Qazi Tahir PA/*