# THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

**BEFORE:**
**Justice Arbab Ali Hakro**
**Justice Muhammad Osman Ali Hadi**

## Const. Petition No. D-185 of 2026

*[Aftab Ahmed Soomro Vs. Province of Sindh and others]*

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| **Petitioner** | **:** | Through Mr. Rano Soomro, Advocate |
| **Respondents** | **:** | Through Mr. Tanveer Ahmed Khuhawar, Assistant Advocate General, Sindh along with Siraj Ahmed Soomro, focal person on behalf of respondent No.6 |
| **Date of Hearing** | **:** | **05-11-2026** |
| **Date of Order** | **:** | **05-11-2026** |

## O R D E R

**ARBAB ALI HAKRO, J**- This constitutional petition concerns the effect of the omission of Rule 11-A of the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974, and the subsequent Notification dated 30.04.2026, which preserves all accrued rights of legal heirs of deceased civil servants prior to 26.09.2024.

2. The petitioner's father, the late Nisar Ahmed Soomro, served as Junior Clerk (BPS-11) at the Right Bank Tubewell Division, Ratodero, District Larkana, Irrigation Department, Government of Sindh, and died while in service on 02.10.2022. The petitioner submitted an application along with relevant documents to Respondent No.3 (Executive Engineer, Right Bank Tubewell Division, Ratodero) on 31.01.2024 for appointment against the deceased quota under Rule 11-A ibid. The respondents conducted mutual correspondence for necessary verification of documents and completion of all codal formalities. Thereafter, Respondent No.6 (Deputy Commissioner, Larkana) issued a letter dated 28.02.2024 to Respondent No.3 confirming the genuineness of the petitioner's documents, who moved a letter dated 18.03.2024 to Respondent No.4 (Project Director, SCARP Irrigation, Sukkur),

along with the prescribed proforma showing the post of Junior Clerk (BPS-11) as vacant. Respondent No.4 forwarded the case vide letter dated 27.03.2024 to Respondent No.5 (Chief Engineer, Irrigation Development Sindh, Hyderabad), who subsequently forwarded the case vide letter dated 05.04.2024 to Respondent No.2 (Secretary, Irrigation Department, Government of Sindh, Karachi), where the matter remains pending for final determination.

3. Learned Counsel for the petitioner submits that the petitioner's case was fully processed and forwarded through the proper departmental channels after fulfilling all requisite formalities and that any administrative delay rests solely with the respondent authorities.

4. Learned AAG Sindh submits that if the petitioner's claim falls within the protective purview of the Notification dated 30.04.2026, the same shall be considered and decided strictly on merit and in accordance with law by the administrative department.

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

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

7. On the admitted facts, the petitioner's father died while in service on 02.10.2022. The petitioner moved his application well before the cut-off date, and his case was extensively processed, verified and forwarded by the District authorities (including the Deputy Commissioner, Larkana) prior to 26.09.2024. His right, therefore, matured prior to the cut-off date. His case consequently falls squarely within the protective ambit of the saving proviso and cannot be defeated by the subsequent omission of Rule 11-A or by the interpretation rendered in **PLD 2024 SC 1276**.

8. In view of the statutory mandate contained in the Notification dated 30.04.2026, the matter is referred to the concerned Administrative Department (Respondent No.2), which shall consider and decide the petitioner's claim strictly in accordance with the saved Rule 11-A, the said Notification, and the applicable service rules, by passing a reasoned and speaking order within ninety (90) days of receipt of a copy of this order. With these directions, the instant petition stands **disposed of**.

9. Office is directed to communicate a copy of this order to Respondent No.2 for compliance through all available modes, including electronic transmission.

**JUDGE**

**JUDGE**

Zulfiqar