THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

C. P. No. D – 939 of 2026

[Nizaqat Ali Shahani, v. Province of Sindh and others]

Before:
Justice Arbab Ali Hakro
Justice Muhammad Osman Ali Hadi

Petitioner	:	Nizaqat Ali son of Liaquat Ali Shahani Through Mr. Javed Ahmed Soomro, Advocate
Respondents	:	Through Mr. Saeed Akbar Siyal, Assistant Advocate General, Sindh.
Date of Hearing	:	**10.11.2026**
Date of Decision	:	**10.11.2026**

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, Liaquat Ali Shahani, served as Assistant (BS-16) in the School Education and Literacy Department, Government of Sindh posted at Government Girls High School, Khair Muhammad Arija, Taluka Bakrani and died while in service on 06.02.2019. The petitioner submitted his application for appointment under the deceased quota on 25.02.2022. His case was thereafter processed by the concerned authorities after verification of the documents before the cut-off date.

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 A.A.G. present in the Court in connection with some other matter, waives notice of the instant petition and 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 A.A.G. 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 06.02.2019. 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.

J U D G E

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Manzoor