THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

BEFORE:
Justice Arbab Ali Hakro
Justice Muhammad Osman Ali Hadi

Const. Petition No. D-997 of 2025

[Sagar Sarwar Abro Vs. Province of Sindh and others]

Petitioner	**:**	Through Mr. Waheed Ali Shar, Advocate
Respondents	**:**	Through Mr. Tanveer Ahmed Khuhawar, Assistant Advocate General, Sindh along with Abdul Jabbar Butt, focal person on behalf of respondent No.3
Date of Hearing	**:**	**05-11-2026**
Date of Order	**:**	**05-11-2026**

O R D E R

ARBAB ALI HAKRO, J- Through this constitutional petition, the petitioner seeks directions for the respondents to consider and appoint him to a suitable post in the School Education & Literacy Department against the deceased quota, commensurate with his qualifications and eligibility, and to finalize his case in accordance with law.

2. Learned Counsel for the petitioner submits that the petitioner's father, Ali Sarwar Abro, was serving in the School Education & Literacy Department as Primary School Teacher (BPS-16) and was last posted at GBPS Rellan, Taluka Larkana, where he died while in service. He further submits that, thereafter, the petitioner approached the concerned authorities for appointment against the deceased quota and furnished the requisite documents. He further submits that the petitioner has repeatedly approached the respondents for processing and finalization of his case, but no appointment has been offered to him. Learned Counsel contends that the petitioner's claim is required to be considered under Rule 11-A of the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974, and that the subsequent omission of the said Rule pursuant to **PLD 2024 SC 1276**

would not affect a right which had accrued prior thereto. Learned Counsel further relies upon the Notification dated 30.04.2026 and submits that the petitioner's claim is protected thereunder.

3. Learned AAG Sindh opposes the petition and submits that the petitioner is clearly beyond the prescribed limitation period under Rule 11-A of the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974, and is therefore not entitled to seek appointment under that provision.

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

5. The petitioner's father, the late Ali Sarwar Abro, served in the School Education & Literacy Department as Primary School Teacher (BPS-16) and was last posted at GBPS Rellan, Taluka Larkana. The memo of petition states the date of death as 26.06.2020. The petitioner has placed on record the proforma of vacancy position dated 15.07.2024 and claims to have applied for appointment under the deceased quota within the stipulated period. According to statement filed by respondent No.3 – District Education Officer (Primary), Larkano, the petitioner submitted his application for appointment under deceased quota on 15.04.2024, after lapse of two years.

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. In the circumstances, the question of whether the petitioner submitted his application for appointment against the deceased quota within the prescribed period, and the legal effect thereof, are matters for examination and determination by the concerned Administrative Department. The question of whether any right had accrued to the petitioner prior to the cut-off date, and the applicability of the protective provision contained in the

Notification dated 30.04.2026, shall also be considered by the concerned Administrative Department in accordance with law.

8. In view of the statutory mandate contained in the Notification dated 30.04.2026, the matter is referred to the concerned Administrative Department, which shall consider and decide the petitioner's claim, including whether the application was submitted within the prescribed period and the legal effect thereof, strictly in accordance with the saved Rule 11-A, the said Notification and the applicable service rules, by passing a reasoned, speaking order within ninety (90) days of the date of receipt of this order. With these directions, the instant petition stands **disposed of**.

9. Office is directed to communicate copy of this order to the concerned Administrative Department for compliance through all modes including electronic mode.

JUDGE

JUDGE

Zulfiqar