THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

C. P. No. D – 824 of 2026

[Aitbar Ali *v. Province of Sindh and others*]

Before:
Justice Arbab Ali Hakro
Justice Muhammad Osman Ali Hadi

Petitioner by	:	Aitbar Ali s/o Iqrar Ahmed Bughio, through Mr. Abdul Qadir Gopang, advocate
Respondents by	:	Mr. Aftab Ahmed Soomro, Assistant Advocate General a/w O.S/Focal Person, Deputy Commissioner Office, Larkana and Shazim Hussain, Focal Person/AD, Litigation, D.S.E (E, S & H.S), Larkana.
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, the late Iqrar Ahmed Bughio, served as W.I (BPS-16) in the Education Department, Government of Sindh, and was posted at Government Boys High School Hyder Bux Jatoi, Taluka Dokri, District Larkana. He died in service on 20.01.2024. The petitioner submitted an application for appointment under the deceased quota on 22.05.2024 through the Headmaster Government. High School Dokri. The application, along with relevant documents, was forwarded to the Secretary, School Education & Literacy Department, Government of Sindh, through proper channel vide letter dated 12.09.2024. The case was thereafter processed by the concerned authorities after verification of the documents before the cut-off date.

3. 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.

4. On the admitted facts, the petitioner's father expired while in service on 20.01.2024 and the petitioner submitted his application for appointment against deceased quota on 22.05.2024, which was processed through the departmental channel prior to the cut-off date. His right, therefore, matured before 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**.

5. 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 petitioner's 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**.

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

J U D G E

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Abdul Salam/P.A