

FEDERAL CONSTITUTIONAL COURT OF PAKISTAN

(Appellate/Original Jurisdiction)

Present:

Justice Aamer Farooq

Justice Syed Arshad Hussain Shah

F.C.P.L.A.Nos.508, 591, 346, 347, 348, 589, 267, 593, 130 AND 353 OF 2025

(Against order dated 31.10.2025, 02.09.2025, 09.10.2025, 01.10.2025 & 04.09.2025

passed by the High Court of Sindh, Circuit Court, Larkana

in C.P.Nos.D-1246, D-703, D-669, D-871, D-823, D-866, D-733, D-675, D-445 & D-842 of 2025)

The Province of Sindh

...Petitioner(s)

(in all cases)

Versus

Muhammad Rizwan Khan &
others

in F.C.P.L.A.508/2025

Faiza & others

in F.C.P.L.A.591/2025

Saqib Javed & others

in F.C.P.L.A.346/2025

Aamir Ali & others

in F.C.P.L.A.347/2025

Anmol & others

in F.C.P.L.A.348/2025

Muhammad Arif & others

in F.C.P.L.A.589/2025

Zangi Khan & others

in F.C.P.L.A.267/2025

Sheeraz & others

in F.C.P.L.A.593/2025

Asif Ali & others

in F.C.P.L.A.130/2025

Mujeebullah & others

in F.C.P.L.A.353/2025

...Respondent(s)

For the Petitioner(s) : Mr. Ahsan Hameed Dogar,
Addl. Adv. General, Sindh
Mr. Ali Safdar Debar,
Asst. Adv. General, Sindh

For the Respondent(s) : N.R.

Date of Hearing : 27.02.2026

ORDER

AAMER FAROOQ, J: The controversy, in the present case, involves the decision of learned Sindh High Court, whereby writ petitions filed by the respondents, were accepted and appropriate direction(s) were made to the petitioner to appoint them on the deceased son/spouse quota.

2. Learned Additional Advocate General, Sindh *inter alia* contended that in light of the judgment of the Supreme Court of Pakistan reported as General Post Office, Islamabad and others Vs. Muhammad Jalal (PLD 2024 SC 1276), Rule 11-A of Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974 was struck down, hence no

appointment can be made on that basis. It was further argued that right in favour of respondents have not culminated inasmuch as the appointment letters had not been issued.

3. Heard.

4. As noted above, petitioner is aggrieved of acceptance of writ petitions of the respondents by learned Sindh High Court. The controversy pertains to the fact that respondents are spouse/children of the deceased Sindh civil servants and sought appointments on the basis of Rule 11-A of Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974 (the Rules). The Supreme Court of Pakistan vide judgment passed in case reported as General Post Office, Islamabad and others Vs. Muhammad Jalal (PLD 2024 SC 1276) struck down Rule 11-A *ibid* and petitioner now seeks benefit thereof on the basis that since the Rule is no longer in the field, no appointment can be made. The nub of the controversy is that at the time when the judgment of the Supreme Court of Pakistan supra was handed down, had the right accrued in favour of the respondents? In this regard, the relevant event, which resulted in the accrual of the right, was the death of the civil servant. As and when the death of a civil servant takes place, one of the children and/or spouse acquires the right to be appointed in the civil service. The process of application and/or a formal appointment letter are administrative acts. Since right had accrued in favour of private respondents, hence judgment of the Supreme Court does not come in their way for appointment on deceased employee children/spouse quota. It is trite law that judgments of the Supreme Court operate prospectively and not retrospectively¹. Even-otherwise, the Supreme Court in a subsequent decision², clarified that the judgment reported as PLD 2024 SC 1276 supra does not take away the accrued rights and/or set aside the past and closed transactions. In view of above position of

¹ Pir Bakhsh represented by his legal heirs vs Chairman Allotment Committee (PLD 1987 SC 145)

² Zahida Parveen Vs. The Government of Khyber Pakhtunkhwa and others (CPLA No.566-P/2024)

law, we do not find any legal infirmity in the reasoning handed down by the learned Sindh High Court, in the impugned judgment, warranting interference.

5. For the above reasons, instant petitions are without merit and are accordingly dismissed. Leave is refused.

Judge

Judge

Islamabad
27.02.2026
Zawar/
APPROVED FOR REPORTING