

IN THE HIGH COURT OF SINDH KARACHI

Before :

Mr. Justice Nadeem Akhtar

Mr. Justice Adnan-ul-Karim Memon

Constitutional Petitions No.D-2271, D-2334, D-2518, D-2584, D-2729, D-3006, D-3392, D-3766, D-6589 & D-7067 of 2018.

Date of hearing
& Decision: 20.02.2020.

Petitioners: Through Ch. Muhammad Ashraf Khan along with Mr. Amir Hanif and Mr. Hussain Bux Saryo, advocates.

Respondent No.1: Through Mr. Muhammad Nishat Warsi, DAG.

Respondent No.2: Through Mr. Sanaullah Noor Ghori, advocate along with Malik Ejaz, Law Officer, Pakistan Steel in all C.Ps.

Respondent No.3: Through Mr. Muhammad Zahid, advocate in all C.Ps.

ORDER

ADNAN-UL-KARIM MEMON, J. – Through this common order, we intend to decide the present petitions as the controversy and questions raised, on behalf of the petitioners, are common.

2. The brief facts of the case are that the petitioners were initially appointed by Pakistan Steel Mills and presently performing their duties as teaching and non-teaching staff in the Education Department of Pakistan Steel in terms of letters of contracts issued by Hadeed Welfare Trust for the last many years and are seeking regularization of their contractual services on the strength of order dated 21.03.2017 passed by the Hon'ble Supreme Court of Pakistan in Civil Petition Nos.121-K and 122-K of 2017.

3. The respondents 2 and 3 filed their comments. The respondent No.2 in their comments raised the objections that the petitioners are employees of Hadeed Welfare Trust, while Hadeed Welfare Trust has taken the plea that Office Memorandum issued by Establishment Division for regularization of contract employees does not apply to petitioners.

4. When we explicitly confronted the above decision to the learned counsel for the Pakistan Steel Mills, they simply said that they are ready and willing to

provide similar treatment to the petitioners as meted out to their colleagues in the aforesaid petitions. Learned counsel for the petitioners objected to this proposition to the extent that they will knockout the petitioners on the basis of scrutiny and if they have any reservation against the petitioners they may come forward with cogent evidence before this court and the petitioners cannot be left at the mercy of respondents. This assertion of the petitioners, being based on mere presumption, is untenable thus discarded.

5. Prima facie, the case of petitioners is akin to the case of petitioners in C.Ps No.D-5176 of 2013 and D-151 of 2014, which were decided by this Court vide common judgment dated 15.12.2016. The decision of this Court was assailed before the Hon'ble Supreme Court of Pakistan in Civil Petition Nos.121-K & 122-K of 2017 and the same was maintained vide order dated 21.3.2017. An excerpt of the order dated 21.3.2017 is reproduced as under:

“4. As can be seen from the foregoing, the above decision is not restricted to any scale or grade, and no such restriction can be read therein by any stretch of imagination and is therefore, equally applicable to the employees of all grades and scales including the present respondents, who were thus rightly granted such relief through the impugned judgment. We therefore do not find any lacuna in the impugned judgment justifying our interference in the matter, the petitions are therefore dismissed.”

6. We have also taken guidance from another order dated 03.06.2019 passed by the Hon'ble Supreme Court of Pakistan in C.P Nos.575-K to 578-K and 590-K to 594-K /2018 whereby respondent-Pakistan Steel did not press the petitions on the ground that teaching staff had already been regularized, accordingly the petitions were dismissed as not pressed.

7. Accordingly, these petitions are disposed of in terms of orders dated 21.03.2017 and 03.06.2019 passed by the Hon'ble Supreme Court of Pakistan in the aforesaid matters, with no order as costs.

JUDGE

JUDGE

Nadir*