

THE HIGH COURT OF SINDH, KARACHI

Before:

Justice Mohammad Karim Khan Agha

Justice Adnan-ul-Karim Memon

CP No D- 2764 of 2019

(Hafiz Muhammad Usman & others v Government of Sindh & others)

Date of hearing and order: 22.5.2025

Mr. Muhammad Sarmad Khan advocate for the petitioner
Mr. Malik Asghar advocate for the respondent & Ms. Fozia
Advocate for respondent Nos. 2 & 3.
Mr. Muhammad Ayoub Awan advocate for LDA.
Mr. Ali Safdar Depar, Assistant A.G.

ORDER

Adnan-ul-Karim Memon, J., The petitioners want their long-term contract employment with effect from 2014 and onwards may be converted into permanent, regularized positions within the Lyari Development Authority (LDA). At the same time, the respondents disputed their entitlement to such regularization based on their project-specific employment status and alleged procedural irregularities.

2. The petitioner's counsel argued that the petitioners have been continuously employed since 2014, with their contracts repeatedly extended, most recently until June 30, 2019. He contended that despite satisfactory performance and a provincial government policy to regularize contract employees who meet specific criteria, their services have not been regularized, unlike those of other employees. He highlighted that the LDA, a statutory body, has its service regulations, and there are vacant posts within the authority. He claimed discrimination and a violation of their fundamental rights. In support of his contentions, he relied upon the cases reported as Board of Intermediate Education Faisalabad v Tanveer Sajid and others **2018 SCMR 1405**, Ms. Najaf Haider and others v Federation of Pakistan & others, **2012 PLC CS 1220**, Muhammad Akram Solangi & others v District Coordination officer Khairpur and others **2013 PLC CS 121**, and Ayaz Ahmed Memo v Pakistan Railways through Chairman and others **2017 PLC CS 226**. He prayed to allow the petition.

3. The respondents, counsel particularly the LDA (Respondents No. 2 & 3), asserted that the petitioners are contractual employees of an ADP project Shaheed Mohtarma Benazir Bhutto Town (SMBBT) and not directly employees of the LDA; therefore, the Sindh Regularization of Adhoc and Contract Employees Act, 2013, and cabinet decision as discussed supra, does not apply to them. He also claims that a note sheet prepared for the regularization of the petitioners at the behest of the Minister of Local Government was illegally influenced and was never placed before the competent authority (Governing Body of LDA) for approval, thus lacking legal sanctity. He argued that the petitioners

have not approached this court with "clean hands." He added that the petitioner's contract ended long ago as such they are not entitled to regularization of their service in 2025. He prayed for the dismissal of the petition. Learned AAG is of the same view.

4. We have heard the learned counsel for the parties and perused the record with their assistance and case law cited at the bar.

5. It is established law that long or satisfactory service alone does not grant a right to regularization for ad-hoc or contract employees, nor can High Courts revive expired contracts or alter their terms and conditions of service (*Deputy Commissioner Upper Dir v. Nusrat Begum* (2022 SCMR 964), *Government of Khyber Pakhtunkhwa v. Saeed ul Hasan* (2021 SCMR 1376), *Province of Punjab v. Prof. Dr. Javed Iqbal* (2022 SCMR 897), *Khushal Khan Khattak University v. Jabran Ali Khan* (2021 SCMR 977),. Primarily, regularization requires an executive policy or specific statute. Absent such a policy or statute, this Court lacks jurisdiction to order regularization.

6. However, this petition for the regularization of contract employees at the Lyari Development Authority (LDA) is disposed of in the terms that they were hired in 2014 for the Shaheed Mohtarma Benazir Bhutto Town (SMBBT) project to develop land management software, and their case needs to be remitted to the competent authority of the respondents as this decision is based on the recommendation of the Minister for Local Government, Sindh, which is in alignment with the Lyari Development Act 1993, and the Provincial Cabinet decision from March 2018, endorsing the regularization of qualified contract employees of different departments of government of Sindh. The competent authority is directed to decide on their regularization within three months after hearing the petitioners. This decision must consider their current serving status and the established legal principles regarding regularization, as discussed. The regularization issue is further supported by the SMBBT project's sponsoring agency having transitioned to the Local Government Housing Town Planning Department.

7. This petition is disposed of accordingly.

JUDGE

HEAD OF CONST. BENCHES

