

IN THE HIGH COURT OF SINDH AT KARACHI
CP. No. D-3802 of 2021
(Naveed Ahmed & one another v Province of Sindh & others)

Date	Order with signature of Judge
	Before: Mr. Justice Muhammad Karim Khan Agha Mr. Justice Adnan-ul_Karim Memon

Date of hearing and Order: 27.05.2025

Mr. Wasim Ali advocate for the petitioners.
Mr. Syed Samiullah Shah advocate for respondent No.3&4.
Mr. Ali Safdar Depar Assistant Advocate General.

O R D E R

Adnan-ul-Karim Memon, J: The petitioners are requesting this court to regularize their services from the date of their initial appointments in the Lyari Expressway Resettlement Project.

2. The petitioners are seeking the regularization of their services with the respondent department, submitting that they are entitled to it under the Sindh (Regularization of Adhoc and Contract Employees) Act, 2013.
3. Petitioner No. 1, an Accounts Clerk, was appointed on a contract basis in 2009, and his contract has been continuously extended since. Similarly, Petitioner No. 2, a Data Entry Operator, was appointed on contract in 2006 and has also had his contract repeatedly extended. Both petitioners have been performing their duties continuously since their initial appointments.
4. The petitioner's counsel contended that despite the existence of the beneficial 2013 Act, which provides for the regularization of ad hoc and contract employees (excluding daily-wage and work-charged), the respondents have failed to regularize their services. He highlighted that the Act 2013 has retrospective effect, meaning thereby employees in their situation "shall be deemed to have been validly appointed regularly" if they meet the eligibility criteria and were in service before the Act's commencement. He further argued that the respondents are under a statutory obligation to regularize their services, pointing out that hundreds of other ad hoc/contract employees have been regularized by the same department, often on orders from this court. The petitioners also submitted that they were initially appointed in the Lyari Expressway Resettlement Project, and a large number of other contract employees from this project have already been transferred/posted in different departments of the government of Sindh. As they have no other effective legal remedy, the petitioners are approaching this court to request an order directing the respondents to regularize their services from their respective dates of appointment and grant any other appropriate relief.
5. Learned AAG assisted by learned counsel for the respondent 3 and 4 opposed the petition on the ground that the project ended long ago as such the

service of the petitioners ended; therefore, no regularization shall be allowed of the employees whose contract ended. He prayed for the dismissal of the petition.

6. We have heard the learned counsel for the parties and perused the record with their assistance.

7. The petitioners' status as **project employees** is undeniable, as evidenced by their appointment letters specifying "temporary project posts" contingent upon project completion. The competent authority made a policy decision to close the project due to the culmination of project activities and the defined scope of work. This Court lacks the jurisdiction to delve into these highly technical and purely policy matters, which fall within the purview of experts and authorized bodies.

8. It is well settled now that regularization of the services is always subject to the availability of posts and fulfillment of recruitment criteria. Besides, it is well-settled law that a contract employee is debarred from approaching this Court in constitutional jurisdiction, in the light of the law laid down by the Supreme Court of Pakistan in the cases of Qazi Munir Ahmed versus Rawalpindi Medical College and Allied Hospital and others, **2019 SCMR 648**, 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**).

9. Regularization requires an executive policy or specific statute. Absent such a policy or statute, this Court lacks jurisdiction to order regularization.

10. We find that the petitioners have failed to establish grounds for the regularization of their service. Their situation does not meet the criteria outlined in **Section 3 of the Sindh (Regularization of Ad-hoc and Contract Employees) Act, 2013**, nor is it consistent with the Government of Sindh's regularization policy. Accordingly, the instant petition, along with all associated applications, is dismissed, and no costs are awarded.

JUDGE

Head of the Const. Benches