

IN THE HIGH COURT OF SINDH AT KARACHI
CP. No. D-4588 of 2022
(*Aslam Pervaiz Durrani & others 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: 28.08.2025

Mr. Saleem Khaskheli advocate for the petitioners
Mr. Sandeep Malani, Assistant Advocate General

ORDER

Adnan-ul-Karim Memon, J: The petitioners are asking the court to declare the change of their employment status from "civil servants" to "non-civil servants" as illegal. They argue that this change violates both the **Sindh Civil Servants Act, 1973**, and the Constitution of Pakistan.

2. Following the 18th Amendment, the petitioners were transferred to the Sindh government and were granted civil servant status by an approved summary. However, a notification dated January 10, 2022, declared their institutions to be autonomous bodies, effectively changing their employment status. The petitioners filed a grievance application on January 25, 2022, and their concerns were addressed in a subsequent notification on April 2, 2022. They now seek a court order to establish a service structure and ensure their promotion rights as civil servants.

3. The petitioners' counsel argues that the respondents have acted illegally and maliciously by transferring the petitioners from the Department of Empowerment of Persons with Disabilities to the Provincial Advisory Council. He contends that this action, which reclassifies them from civil servants to employees of an autonomous body, is a form of professional misconduct without legal basis. The counsel claims this move is meant to strip the petitioners of their rights and career progression, which are protected under the Sindh Civil Servants Act, 1973. Since the petitioners' status was changed without their consent and a proper service structure has not been established for the new body, the counsel asserts that the entire process is void and should be overturned. He is therefore seeking to have the petition allowed. The petitioner's counsel lastly states that the petition's main goal is to compel the establishment of a service structure so the petitioners can be considered for promotion.

4. The respondents state that the petitioners were employees of the now-defunct National Trust for the Disabled and were not civil servants,

even before the devolution. The respondents submit that the actions taken were appropriate and that the petition is liable to be dismissed.

5. The government agency responds that the petitioners were never civil servants but were employees of an autonomous body. Following the 18th Amendment, they were transferred under the Sindh Civil Servants (Devolved Employees) Rules, 2015, which they believe was a proper step. They also state that the department, with approval from the Chief Minister of Sindh, has now officially declared the petitioners' institutions as autonomous bodies. They deny all claims of discrimination and assert that their actions are legal and a matter of policy, not a violation of the petitioners' rights. They submit that the petitioners are trying to force the department to treat them as civil servants, to which they are not entitled. The department plans to amend the Sindh Empowerment of Persons with Disabilities Act, 2018, to formalize the new status and administration of these autonomous organizations.

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

7. As per a notification dated January 10, 2022, the Sindh Chief Minister has approved the declaration of two former National Trust for the Disabled (NTD) institutes as **autonomous bodies**. These two institutions, now renamed "Provincial Trust Special Education Complex," are placed under the administration of the Provincial Advisory Council for Empowerment of Persons with Disabilities. The Director General of the Sindh Persons with Disabilities Protection Authority (SPDPA) will act as their executing agency. The notification clarifies that this change maintains their pre-devolution status as autonomous bodies.

8. This court will not interfere with the Sindh government's policy decision under Article 199 of the Constitution, as no mala fide has been attributed in such a policy decision. However, if the respondent department intends to change the status of the petitioners' service, they must be heard.

9. In view of the above facts and circumstances of the case, this petition stands dismissed along with pending application(s).

JUDGE

Head of the Cost. Benches

Shafi