

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. D-5067 of 2023
(Mst. Muniza Taj versus Federation of Pakistan & another)

Date	Order with signature of Judge(s)
	Before: Mr. Justice Muhammad Karim Khan Agha Mr. Justice Adnan-ul-Karim Memon

Date of hearing and order : 08.9.2025

Syed Shoa-un-Nabi advocate for the petitioner
Ms. Wajiha Mehdi, Assistant Attorney General

ORDER

Adnan-ul-Karim Memon, J. – The petitioner has filed the captioned Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer: -

- (A) *To declare the impugned office order dated 04.09.2023 striking off the services of the petitioner contrary to the OM dated 9.9.2016 and OM dated 23.12.2022, since in utter disregard of the decisions of the apex court, hence illegal, unfair, contrary to the policy, discriminatory, against principles of natural justice, and in violation of fundamental rights.*
- (B) *To direct the respondents to regularize the petitioner in view of the OM dated 23.12.2022 and considering his services.*
- (C) *To direct the Respondents for the payment of the deducted amount of Salaries Rs.. 62,824.00 for the period of April 2023 to September 01, 2023.*

2. The petitioner was hired as a Lower Division Clerk (BPS-7) at the Pakistan Institute of Cotton Research & Technology (PICR&T) in 2015 under a Family Assistance Program after her father, a Naib Qasid, passed away. Her contract, initially for two years, was extended for an additional year until December 2018. Despite a government Memorandum from September 2016 that allowed her contract to be extended for up to five years or until retirement, however, this was not implemented. She requested to be made a permanent employee, citing a December 2022 Memorandum from the Cabinet Secretariat about regularizing contract workers. Instead of being made a permanent employee, her employment was terminated in September 2023 without notice or reason. She alleges that the termination was/is discriminatory and unfair, especially since she had worked there for eight years without any complaints and other employees had been made permanent. She also claims her salary was unfairly reduced by 30-40% each month. She submits that her fundamental rights were/are violated and that her service should have been regularized. She prayed for allowing the petition.

3. The petitioner's lawyer claims her employment, was unfairly terminated. Citing a September 9, 2016, office order that suggests regularization for similar roles, the lawyer is requesting that the Court allow this petition.

4. The learned Assistant Attorney General stated that the employment provision of the Prime Minister's Assistance Package (PMAP) was withdrawn on October 18, 2024, due to a Supreme Court judgment. While other benefits of the package remain, the option for new employment under the PMAP is no longer available for in-service deaths. Previously, the package allowed for both contract and regular appointments. However, in 2022, the government shifted policy to favor regular appointments over contracts to align with the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973. She prayed for dismissal of the petition.

5. We have heard the learned counsel for the parties on the subject issue and have gone through the record of the case file.

6. Adverting to the question of regularization of service of the petitioner, we may observe that the law on the regularization of service is clear in its concept, according to which regularization and permanent absorption must be granted strictly under the rules of recruitment in force. Principally, this Court, while exercising powers under Article 199 of the Constitution, cannot issue directions for regularization, absorption, or permanent continuance of service of an employee, unless the employee claiming regularization has been appointed in an open competitive process, in pursuance of regular recruitment, under the relevant rules against a sanctioned vacant post.

7. It is a well-settled principle of law that for public employment, unless the appointment is in terms of the relevant rules and after a proper competition amongst qualified persons, the same would not confer any vested right upon the appointee. If it is a contractual appointment, the appointment comes to an end upon expiration of the contract, and if it was an engagement or appointment on daily wages or casual or contract basis, the same would come to an end upon the completion of the agreed assignment or tenure. It is also well-settled that a temporary employee cannot claim permanent status at the end of his term as a matter of right. It is clarified that if the original appointment was not made by following the due/prescribed process of selection, as envisaged by the relevant rules, a temporary / contract employee or a casual wage worker cannot be absorbed in regular service or made permanent merely for the reason that he was allowed to continue the service beyond the terms of his

appointment. It is not open for this Court to allow regular recruitment in the case of a temporary / contract employee whose period of work has come to an end, or of an ad-hoc employee, who by the very nature of his designation could not be said to acquire any right in this regard.

8. Having discussed the legal aspect of the case, we have perused the appointment order of the petitioner, which was admittedly a contractual appointment for a certain period or an extended period at the choice of the appointing authority. The case of the petitioner was/is subject to the principle of Master and Servant. It is well-established law that a contractual employee cannot claim any vested right, even for the regularization of his service. In the present case, the petitioner has not established that she has a fundamental right or has acquired any vested right to remain in the contractual post or to seek an extension and/or regularization of her contractual service.

9. In view of the above discussion, the petition is not maintainable either on facts or on the law. However, before parting with this case, it may be observed that every person has a right to approach a Court of law for redressal of his/her grievance, whether such grievance is against a private party or a public functionary. Article 199 of the Constitution restricts such right only to an aggrieved person, as contemplated under the said Article, who is aggrieved by any action or order of a public functionary or department or the Provincial or Federal Government. A person coming to Court must be fully aware of his/her rights, i.e., whether he/she is entitled to such rights or not. We thus observe that despite the legal position established in view of the plethora of pronouncements by the Hon'ble Supreme Court as discussed above, the present petitioner has filed this petition seeking a relief of which she was/is not entitled to under the law.

10. In our view, the stance of the petitioner is based on erroneous premises, which is discarded.

11. In light of the above facts and circumstances of the case, this petition is found to be misconceived and is accordingly dismissed, along with the pending application(s), with no order as to costs.

JUDGE

Head of Const. Benches

