

IN THE HIGH COURT OF SINDH AT KARACHI

C.P No.D-5068 of 2023

(*Kanwal Rehman v.Federation of Pakistan and others*)

Date

Order With Signature Of Judge

Before:

**Muhammad Karim Khan Agha, J.
Adnan-ul-Karim Memon, J.**

Date of hearing and Order: 04.09.2025

Mr. Shoa-un-Nabi advocate for the petitioner

Ms. Wajiha M. Mehdi Assistant Attorney General

ORDER

Adnan-Ul-Karim Memon, J. Through this petition, the petitioner has sought the following relief:

(A) To declare the impugned office order dated 04 09.2023 struck 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. against, contrary to the policy, discriminatory 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 her services

(C) To direct the Respondents the pay the deducted amount of Salaries Rs 62.824.00 for the period of April 2023 to September 01, 2023

(D) To award the cost of the petition.

(E) To grant any other relief, as deemed fit and proper and in the interest of justice.

2. The petitioner is the widow of Abdul Rehman, a former Scientific Officer for the Pakistan Central Cotton Committee. She was hired as a Testing Assistant (BPS 13) at the Pakistan Institute of Cotton Research and Technology (PICR&T) under the Prime Minister's Family Assistance Package. Her contract, which was initially set to expire on October 16, 2019, was extended for one year until October 15, 2020, as per an office order dated November 4, 2019. The petitioner applied for regularization of her service on September 3 and October 18, 2019, but the respondent did not regularize her position. The petitioner requested regularization of her service, citing an Office Memorandum from September 9, 2016. Instead of regularizing her, the respondents terminated her employment on September 4, 2023, without cause, notice, or payment of her salary. This includes a monthly deduction of 30-40%. She had worked for the respondents since **2017** without any complaints, yet other

employees were regularized while she was not. She believes this is a discriminatory act and a violation of her fundamental rights. With no other options, she has filed the captioned petition with the court for a remedy.

3. The petitioner's lawyer argues that she was employed on a two-year contract starting March 16, 2017. However, her service was terminated on September 4, 2023. The lawyer contends this is unjust because an office order from September 9, 2016, states that employees in similar positions should be regularized. He prayed for allowing the 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.

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 petitioners, 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, whereas in the present case the service of the petitioner was hired in the year 2017 under Prime Minister Package, which was later on discontinued on 04.09.2023 as such no further indulgence is required .

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 orders of the petitioners, which were admittedly a contractual appointment for a certain period or an extended period on the choice of appointing authority, which ended long ago. The case of the petitioners 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/her service. In the present case, the petitioner has not established that she has the fundamental 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 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, in view of the latest judgment of Supreme Court as deceased quota.

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