

IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No.D-3035 of 2019

[Kamran Ali Sheikh & others versus Province of Sindh and others]

Before:

Justice Muhammad Karim Khan Agha

Justice Adnan-ul-Karim Memon

Dates of hearing & Order: 29.09.2025

Mr. Ali Asadullah Bullo advocate for the petitioners.

Mr. Ali Safdar Depar, Assistant Advocate General

ORDER

Adnan-ul-Karim Memon, J. The petitioners, through the CMA No. 17731 of 2024, have sought to initiate contempt proceedings against the alleged contemnors under Article 204 of the Constitution and the Contempt of Court Ordinance, 2003, on the premise that they have violated the order dated 13.01.2023 passed by this Court.

Petitioners, appointed on a contract basis in 2014/2015 to Community Midwife (CMW) Schools, sought regularization of their services. Respondents' stance is that the Petitioners' case does not fall under the beneficial Sindh Regularization of Ad-hoc and Contract Employees Act, 2013, because they were appointed after its cutoff date (in 2014-15). This Court's earlier ruling via order dated 13.01.2023 clearly observed that since the respondents retained the petitioners' services for a longer period (extending contracts under Policy 2022), their case should be considered for regularization under a policy decision, with the condition that this regularization depends on their qualification, eligibility, and the availability of a vacancy and disposed of the petitions in that terms.

The department's subsequent position, in compliance with the order above, is that the petitioners' contracts (appointed in 2014) were repeatedly extended (2016-2019, 2019-2022, and a proposed extension for 2022-2024 and 2025-2026). The Health Department also proposed a revised salary structure for uniformity. The department states there is no current legal instrument enabling them to regularize the services. The Cabinet did not pass the proposed Sindh Contract Pay Scale Policy 2022, and new draft bills (The Sindh Contract Appointment Acts of 2023) are under consideration, which address retention but not immediate regularization. It is further stated that the employees previously committed in their offer letters not to claim regularization, with the penalty of termination for doing so. The department's official stance is that, despite considering the matter, they are legally unable to regularize the services and therefore request that the contempt proceedings be dropped.

We have heard the learned counsel for the parties on the listed Civil Miscellaneous application and perused the compliance report submitted by the Secretary Health Department.

The core issue is to analyze the Respondent's comments against the definitions of criminal or judicial contempt.

Despite the Health Department's defense of lacking a legal instrument, and the failure of the Sindh Contract Pay Scale Policy 2022 due to Provincial Assembly dissolution, the petitioners' services were extended under Policy 2022 until 2026 and they have been retained for a long period. Therefore, this contempt application is disposed of in terms that the competent authority must consider the petitioner's regularization either under the existing policy or the two draft bills, The Sindh Contract Appointment Acts of 2023 (CPS-01 to CPS-05 and CPS-06 to CPS-08), once they are enacted.

JUDGE

HEAD OF CONST. BENCHES

SHAFI