

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

C.P. No.D-1922 of 2025

(Qadeer Ahmed & others v Province of Sindh & others)

C.P. No.D-2736 of 2024

(Farhan Shaikh & others v Province of Sindh & others)

Date

Order with signature of Judge

Before:-

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Zulfiqar Ali Sangi

Date of hearing and order:- 17.02.2026

Mr. M.M. Aqil Awan advocate for the petitioners.

Mr. Danish Rasheed advocate for petitioners in C.P. No. D-2736 of 2024

Mr. Ali Safdar Depar, AAG

ORDER

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

- a) *That this Hon'ble Court would be pleased to declare that in the light of dicta laid down by this Court in the case colleagues of the petitioners reported in 2023 PLC (CS) 447, The appointments of the present petitioners are at par similar to their colleagues who were petitioners in the abovementioned reported judgment under Article 25 of the Constitution, and further direct the Respondent's department to treat the petitioners as a regular employee from the date of their initial appointment against the post of DATA Processing Assistant;*
- b) *That this Hon'ble Court would be pleased to declare that the case of the petitioners is similar to their colleagues who were petitioners reported in 2023 PLC (CS) 447, and as such, similar treatment may kindly be given in the light of judgments reported in 1996 SCMR 1185 and 2009 SCMR 1.*
- c) *That this Hon'ble Court would be pleased to declare that system of appointment of qualified youth in Sindh Province, in government, semi government, autonomous or semi autonomous bodies is unconstitutional and illegal being worst form of exploitation, slavery and discrimination and cannot be practiced and allowed in the province of Sindh and may kindly be stopped forthwith because aadhocism in any form is neither allowed nor countenanced by the constitution of Pakistan 1973;*
- d) *That to restrain the respondents from potting them before another selective process for the purpose of their regularization and further restrain them from terminating or dispensing with their services on any pretext, with continued payment of their monthly salaries, during the pendency of the present petitions.*
- e) *The petitioners in C.P. No. D-2736 of 2024 have filed the captioned Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the prayer to direct the respondents to release the salaries of the petitioners with effect from 01.07.2023 as they are working with them and discharging their duties regularly; direct the respondents to provide same treatment as provided to DATA Processing Assistant working with LARMIS*

Board of Revenue,, Sindh by regularizing their services without any discrimination as envisaged Under Article 25 of the Constitution of Pakistan.

2. It is claimed that the case of the Petitioners originates from the Suo Motu proceedings initiated by the Supreme Court of Pakistan in the year 2012 regarding serious discrepancies in the revenue record of government lands in the Province of Sindh, particularly in the aftermath of the unfortunate burning of official record following the Shahadat of Benazir Bhutto. Pursuant to the directions issued therein, the Revenue Department was mandated to streamline and computerize land revenue records across the province, and in compliance with the said directions, the Respondent Department established Facilitation Centers in each district of Sindh for the provision of computerized land revenue services through the Land Administration and Revenue Management Information System (LARMIS). It is emphasized that although the nature of work assigned under LARMIS is permanent and forms part of the core functions of the Board of Revenue, the Respondents, instead of undertaking the same through regular appointments, converted the exercise into a project and engaged qualified individuals, including the present Petitioners, on a contractual basis since 2014.

3. It is submitted by the learned counsel for the petitioners that the Petitioners were appointed as Data Processing Assistants (BS-14) through a transparent and competitive recruitment process initiated via public advertisement published in Daily Dawn in June 2012, followed by a written examination conducted by IBA Sukkur and subsequent interviews by the Departmental Selection Committee. Since their appointment, the Petitioners have been continuously performing duties of a permanent nature to the satisfaction of their superiors, with their contracts being extended from time to time. Learned counsel argues that similarly placed colleagues of the Petitioners, who were recruited through the same process and appointed against identical posts under LARMIS, approached this Court through CP No. D-7528/2018, which was allowed vide judgment dated 22.02.2022, reported as **2023 PLC (CS) 447**. The said judgment was subsequently upheld by the Supreme Court of Pakistan through the order dated 24.08.2023, resulting in the regularization of those employees vide notification dated 22.01.2024. It is contended that the case of the present Petitioners stands on an identical footing in all material respects, including academic qualifications, mode of recruitment, nature of duties, and performance, and that denial of similar treatment amounts to invidious discrimination in violation of Articles 25 and 27 of the Constitution of the Islamic Republic of Pakistan. Learned counsel maintains that once a question of law has been settled by a superior court in respect of a particular class of employees, the benefit thereof must be extended to all similarly placed individuals, irrespective of whether they were parties to the earlier litigation. Lastly, it is submitted that despite

recommendations made by the concerned Department, concurrence of the Law Department, and opinion of the learned Advocate General Sindh supporting regularization of the Petitioners in light of the aforementioned judgment, the matter remains pending without lawful justification, thereby compelling the Petitioners to invoke the constitutional jurisdiction of this Court for enforcement of their fundamental rights and for being treated at par with their regularized colleagues. He prayed to allow these petitions.

4. Conversely, learned Assistant Advocate General, Sindh, while controverting the submissions advanced on behalf of the Petitioners, submits that the instant petitions are misconceived and not maintainable under the law. He contends that the reliance placed by the Petitioners upon the Suo Motu proceedings initiated by the Supreme Court of Pakistan in the year 2012 is entirely misplaced, inasmuch as the directions issued therein were confined to computerization and streamlining of land revenue records and did not mandate creation of permanent posts or regular appointment of staff engaged for execution of the said task. Learned AAG further submits that the Land Administration and Revenue Management Information System (LARMIS) was conceived and executed as a project-based initiative for a specific purpose and duration, and the Petitioners were appointed strictly on a contractual basis under the terms and conditions of their respective offer letters, which expressly excluded any claim for regularization or absorption into Government service. It is argued that contractual employees do not acquire any vested right to seek regularization merely on account of continuation in service or performance of duties over a period of time, particularly when their initial appointment was not made against duly sanctioned regular posts under the applicable statutory service rules. He next submits that the judgment rendered by this Court, reported as 2023 PLC (CS) 447, even if upheld by the Supreme Court of Pakistan, was passed in personam and is confined to the facts and parties to the said petition, and the Petitioners cannot claim automatic extension of the benefit thereof as a matter of right. The case of the present Petitioners, according to learned AAG, is distinguishable on facts and is subject to independent scrutiny with regard to availability of sanctioned posts, fulfillment of prescribed criteria, and approval of the competent authority under the relevant rules governing public service appointments. It is also contended that any direction for regularization in the absence of a lawful recruitment process in accordance with the applicable service framework would amount to backdoor entry into Government service, which has consistently been deprecated by the superior courts, including the Supreme Court of Pakistan. Learned AAG maintains that regularization is not a mode of appointment and cannot be granted in contravention of statutory provisions regulating public employment, nor can constitutional jurisdiction be invoked to circumvent the prescribed procedure for induction into

civil service. Lastly, learned AAG submits that the matter relating to the regularization of contractual employees involves policy considerations and financial implications, which fall within the exclusive domain of the executive and cannot be directed by this Court in exercise of its constitutional jurisdiction. He, therefore, prays that the instant petitions, being devoid of merit and legal substance, may be dismissed.

5. Having heard the learned counsel for the parties at considerable length and having examined the material available on record, it appears that the controversy involved in the instant petitions is no longer *res integra*.

6. Admittedly, the Petitioners were appointed as Data Processing Assistants (BS-14) through a transparent and competitive process pursuant to a public advertisement published in *Daily Dawn* in June 2012, followed by written examination conducted by Institute of Business Administration Sukkur and interviews held by the Departmental Selection Committee. It is also not disputed that since their initial induction, the Petitioners have been continuously performing duties of a permanent and recurring nature in connection with the Land Administration and Revenue Management Information System (LARMIS) established under the Board of Revenue Sindh for computerization and maintenance of land revenue records throughout the Province.

7. The record further reflects that similarly placed employees, appointed through the same process and discharging identical functions under LARMIS, had approached this Court through CP No. D-7528 of 2018, which was allowed vide judgment dated 22.02.2022, reported as **2023 PLC (CS) 447**, whereby directions were issued for the regularization of their services. The said judgment has admittedly attained finality up to the level of the Supreme Court of Pakistan and has been implemented by the Respondent Department through a notification dated 22.01.2024.

8. In such circumstances, once a question of law relating to a particular class of employees has been conclusively settled by a competent Court of law, the benefit thereof cannot be withheld from other employees who are identically placed in terms of mode of recruitment, qualifications, nature of duties and length of service, as any such denial would amount to hostile discrimination, offending the mandate of Article 25 of the Constitution of the Islamic Republic of Pakistan, 1973.

9. The contention of the learned Assistant Advocate General that the judgment reported as 2023 PLC (CS) 447 is *in personam* and not extendable to the present Petitioners is misconceived, inasmuch as the declaration of law made therein

squarely covers the case of all employees forming one homogeneous class recruited under the same scheme and performing similar duties.

10. It is by now a settled principle of law that the State cannot adopt a discriminatory yardstick by regularizing the services of one set of employees while denying the same relief to others who stand on an identical footing. The Petitioners, having been selected through an open competitive process and having served the Respondents for a considerable period against posts of permanent nature forming part of the core functions of the Revenue Department, cannot be compelled to undergo another selection process for regularization, nor can their services be dispensed with arbitrarily.

11. Accordingly, in view of the law laid down by this Court in the judgment reported as **2023 PLC (CS) 447**, as affirmed by the august Supreme Court of Pakistan, these petitions are disposed of along with pending applications.

i. The Respondents are directed to treat the Petitioners at par with their colleagues who were regularized pursuant to the aforesaid judgment and to regularize their services as Data Processing Assistants (BS-14) from the date of their initial appointment, subject to fulfillment of codal formalities;

ii. The Respondents are further directed not to subject the Petitioners to any fresh or selective process for regularization;

iii. The Respondents shall ensure that the salaries and other admissible benefits payable to the Petitioners are released forthwith in accordance with law if not earlier released;

iv. Till issuance of the requisite notification regarding regularization, the services of the Petitioners shall not be terminated or dispensed with except in accordance with law.

12. It is expected from the respondents that they will implement the ratio of the judgment passed by this court reported in 2023 PLC (C.S) 447 in its letter and spirit without fail.

JUDGE

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