

**IN THE HIGH COURT OF SINDH, KARACHI**

**Present:**

**Mr. Justice Muhammad Saleem Jessar  
Mr. Justice Nisar Ahmed Bhanbhro**

**Constitution Petition No. D-5633 of 2021**

*(Aijaz Ali Bhayo and others v. Province of Sindh through Secretary Human Rights Department and another)*

Petitioners : Through M/s. Sanaullah Daudani and Hussain Bux, Advocates

Respondents : M/s. Hakim Ali Shaikh and Sageer Ahmed Abbasi, Additional Advocates General, Sindh alongwith Mr. Tanveer Hussain, Assistant Director (Legal), Human Rights Department, Government of Sindh

Date of hearing : 25.02.2026  
and judgment

**JUDGMENT**

**Muhammad Saleem Jessar, J:-** Through this petition, petitioners have claimed following relief:-

- (1) To declare that the impugned order dated 07-09-2020 is illegal, unconstitutional, unlawful, malafide, discriminatory, void ab initio and non-est, consequently the same be set aside.
- (2) To direct the Respondents to consider the cases of the petitioners for regularization fairly, justly in accordance with the Act 2013.
- (3) To restrain the Respondents, their employees, agents, assigns, or anybody acting on their behalf from taking any coercive action against the Petitioners till Final adjudication of the petition.
- (4) To grant cost of the petition and any other relief(s) which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

2. Learned counsel for the petitioners submits that the petitioners were appointed on contract basis in the project of Free Legal Aid Center at District Level in the Directorate of Human Rights, Government of Sindh in the year 2012. Pursuant to the

enactment of Sindh (Regularization of Adhoc and Contract Employees) Act, 2013 (“2013 Act”) the petitioners were not considered for regularization. The petitioners filed C.P Nos.D-2380 & D-2476 of 2014, which were disposed of vide order dated 20.09.2016 directing the respondents to consider the case of the petitioners for regularization, however, vide order dated 07.09.2020 the respondents declined to regularize the petitioners, nonetheless, rest of the employees appointed alongwith petitioners were regularized in service. He argued that petitioners were discriminated against their colleagues. Lastly, prayed to allow this petition.

3. Learned Additional Advocate General, Sindh while controverting above submissions stated that pursuant to the order dated 20.09.2016 passed in C.P Nos.D-2380 & D-2476 of 2014 a Scrutiny Committee was constituted to consider the case of the petitioners for regularization in terms of Section 3 of the 2013 Act. On scrutiny, the Committee reported that the services of the petitioners were not satisfactory and they lacked requisite qualification. He therefore prayed that petitioners cannot be regularized in service. He prayed to dismiss the petition.

4. Heard arguments and perused the material available on record.

5. Sindh (Regularization of Adhoc and Contract Employees) Act, 2013 is a beneficial legislation to regularize the services of employees working on Contract and Adhoc basis in the Sindh

Government departments and projects. Provisions of the beneficial legislation are to be construed liberally and interpreted in consonance with the aims and objects of the legislation. Section 3 of the 2013 Act provides for regularization of services of the employees in Grade-1 to 18, if they are found otherwise eligible. For the sake of convenience Section 3 is reproduced as below:-

3. Notwithstanding anything contained in the Act or rules made thereunder or any decree, order or judgment of a court, but subject to other provisions of this Act, an employee appointed on adhoc and contract basis or otherwise (excluding the employee appointed on daily-wages and work-charged basis), against the post in BS-1 to BS-18 or equivalent basic scales, who is otherwise eligible for appointment on such post and is in service in the Government department and it's project in connection with the affairs of the Province, immediately before the commencement of this Act, shall be deemed to have been validly appointed on regular basis."

6. The literal meaning of the above provision of law makes it clear that if an employee otherwise eligible shall be deemed to have been regularized on the promulgation of the Act. From scrutiny report filed alongwith comments it appears that petitioner No.3 *Mrs. Yasmeen Akhtar* was appointed as Computer Operator, she was not recommended for the reason that she was having an intermediate degree and a commerce certificate, whereas, the requirement for the post of Computer Operator was intermediate and one year Diploma in I.T or Computer Science from Sindh Board of Technical Education and further her contract was not extended after 31.12.2013. Petitioner No.1 *Aijaz Ali Bhayo* was appointed as Naib Qasid, he was not considered for regularization, as his services were found unsatisfactory and the contract was not extended after 31.12.2013 and the same was the situation in the case of petitioner No.2 *Maqsood*

*Ahmed.* It further transpires from the record that the petitioners were in service until 31.12.2013 when further extension in their contract was refused. No material has been placed on record to say that the services of the petitioners were unsatisfactory for any reason(s). Petitioners were low paid employees, petitioner Nos.1 and 2 as per the Service Rules required to be preferably literate, whereas, the petitioner No.3 was required to possess one year Diploma Degree in Computer Science. Petitioner No.3 has placed on record the certificate showing that she had completed the course in D.I.T and at the time of appointment she based on the said certificate found eligible. Thus, no reason existed to place the petitioners at different footing to those employees, who were regularized in service.

7. The stand of the department that the contract of the petitioners was not extended after 31.12.2013 is not much helpful to them, as Regularization Act came into force in the month of March, 2013 and by operation of Section 3 all the persons otherwise eligible working on contract basis in any project in connection with the affairs of the Province of Sindh and any department of Government of Sindh stood regularized on the promulgation of the said Act, as is evident from the intention of the legislation by incorporating the word "*deemed to have been regularized*". As such non extension of the contract after 31.12.2013 shall not affect rights of the petitioners for regularization. Since the petitioners were not in service after 2013 with no fault on their part therefore the case for indulgence of this Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 to exercise the powers of judicial review is made out.

8. In the wake of above discussion, this petition is granted. Consequently, the order dated 07.09.2020 refusing regularization of the petitioners stands *set aside*. The petitioners shall be deemed to have been regularized with effect from 20.03.2018 when the Scrutiny Committee regularized other employees of the project ADP Scheme 1588. The petitioners shall also be entitled for the back benefits with effect from the said date. Respondents are directed to take the petitioners into service and they shall allow the petitioners to join in the place where they were working earlier.

9. The petition is disposed of in the above terms alongwith pending application(s).

**JUDGE  
HEAD OF CONST. BENCHES**

**JUDGE**

B-K Soomro

**Approved for reporting.**