

IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No.D-2007 of 2014

Date

Order with signature of Judge

1. For hearing of CMA No.9765/14 (U/O 39)
2. For hearing of main case.

17.11.2021

Syed Shoa-un-Nabi, Advocate for the petitioners.  
Mr. Nishat Warsi, DAG for the respondent No.1.  
Mr. Muhammad Humayun, Advocate for the respondent No.2.

The instant petition was filed on the ground that the petitioners demand that they may be given same posts as given to other employees working on similar grade and post on regular basis.

Syed Shoa-un-Nabi, Advocate, has appeared on behalf of the petitioners and stated that previously a petition bearing C.P. No.D-3882 of 2011 was filed before this Court which was allowed vide order dated 11.01.2013 whereby the respondents in that petition were directed to give benefit contained in the Office Memorandum dated 29.08.2008 to the petitioners as well since they are working continuously with the PSO for quite number of years. Being aggrieved with the order an appeal thereafter bearing CPLA No.95-K of 2013 was filed before the Hon'ble Supreme Court of Pakistan who upheld the decision of the High Court. According to the learned counsel since the respondent No.2 is not implementing the orders passed by the High Court dated 11.01.2013 and the Hon'ble Supreme Court dated 17.05.2013 therefore the instant petition has been filed. He states that since the petitioners have been regularized hence they are entitled for the similar treatment as given to other employees working on similar posts on regular basis. According to him, since discrimination has been made with the petitioners hence instant petition may be allowed by keeping in view the Article 25 of the Constitution of Islamic Republic of Pakistan, 1973.





Mr. Muhammad Humayun Advocate has appeared on behalf of the respondent No.2 (PSO) and vehemently denied the submissions made by the counsel for the petitioners and stated that no doubt the previous petition filed by the petitioners bearing No.D-3882 of 2011 was decided in favour of the petitioners and CPLA No.95-K of 2013 filed by the PSO (respondent No.2) was also declined but the respondent No.2 has acted strictly in accordance with the directions issued by the High Court and the Hon'ble Supreme Court. He invited our attention to the appointment letters of the petitioners (available from pages 31 to 93 of the file), their salary slips etc. (available from pages 95 to 159 of the file) and his comments and annexures thereof (starting from R-1 to R-3) and stated that after the regularization of the service of the petitioners they were given exactly the same posts on which they were working on contract basis like other regular employees. He stated that from the documents furnished by the petitioners themselves it could be seen that the Drivers have been given the post of Drivers, Refueling Operators were given the post of Refueling Operators and Sweepers were given the posts of Sweepers; hence, according to him, the contentions of the counsel for the petitioners is incorrect that they either have been demoted or have not be given the posts which they were enjoying when they were in contract service or enjoyed by other employees of PSO working on regular basis. He, therefore, states that the instant petition is wholly misconceived and not maintainable hence the same may be dismissed.

Mr. Nishat Warsi, DAG, appearing for the respondent No.1, has adopted the arguments of Mr. Muhammad Humayun.

We have heard both the learned counsel as well as the learned DAG at considerable length and have also perused the record.



The record clearly reveals that the subsequent appointment letters issued in favour of the petitioners were in compliance to the order passed by the Hon'ble Supreme Court. These appointment letters clearly start with the wordings "In compliance to the Honorable Supreme Court Order dated 17.05.2013, your services have been regularized with effect from . . . ". These appointment letters clearly stipulates that the petitioners have been given the appointment letters either as a Driver, Refueling Operator or as a Sweeper on the post on which admittedly they were working when they were in contract service. Moreover, the pay slips of the petitioners also clearly reveal their status in respect of the same post. From the very documents furnished by the petitioners it is evident that after regularization of their service in compliance with the order of the Hon'ble Supreme Court they were given the same post which they were enjoying when they were in contract service. We have categorically asked a question from Mr. Shoa-un-Nabi that whether from these appointment letters is it not evident that the petitioners, who were appointed either as a Driver, Refueling Operator or as a Sweeper, as the case may be, were given the same post when they were in contract service after they were regularized as per the directions of the High Court and the Hon'ble Supreme Court, similar to that of other regular employees? No plausible answer to this question was given by Mr. Shoa-un-Nabi. Hence we have not seen either any discrimination or any prejudice to have been caused to these petitioners so as to violate Article 25 of the Constitution, as stated by the learned counsel for the petitioners. We, therefore, in view of these uncontroverted facts, do not find any merit in the instant petition which stands dismissed alongwith the listed application.

JUDGE

JUDGE