

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Const. Petition No.D-1466 of 2023
(*Riaz Ahmed Channa and others v. Province of Sindh and others*)

Before:

Mr. Justice Zulfiqar Ali Sangi

Mr. Justice Riazat Ali Sahar

Counsel for Petitioners: Mr. Saifullah Soomro, Advocate.

Counsels/ Representatives for Respondents: Mr. Ali Raza Baloch, Additional A.G-Sindh & Mr. Sarfaraz Ali M. Abbasi, Advocate for Respondents No.2 to 7.

Date of Hearing: 28-10-2025

Date of Judgement: 10-11-2025

ORDER

RIAZAT ALI SAHAR, J: - Through this Constitutional Petition, the Petitioners seek redress against the inaction of the Respondents in regularizing their services despite long, continuous, and satisfactory employment since 2016. Thus, seeking following reliefs:

“a) declare that the act of Respondent No.3 being Chairman of Syndicate Committee for not considering the request of regularization of Petitioners is illegal, unlawful, null and void.

b) direct the Respondents to Regularize the services of Petitioners in their respective posts by considering their applications alongwith recommendation made by Respondent No.2.

c) direct the Respondents not to make discrimination and alienation with the Petitioners regarding their regularization of their services.

d) direct the Respondents not take any detrimental action against the Petitioners and act in accordance with law.

e) grant any other equitable relief which has not been specifically prayed for, which this Honourable Court deems fit and proper in the circumstances of the above case”.

2. The Petitioners are low-grade employees serving at Ghulam Muhammad Mahar Medical College, Sukkur, under the administrative control of Shaheed Mohtarma Benazir Bhutto Medical University, Larkana. They were appointed between 2016 and 2018 through a duly published Walk-in-Interview process against various posts such as Helper, Naib Qasid, Chowkidar, Electricians, Computer Operator, and Sweeper, and have been continuously performing their duties with diligence and honesty. Despite repeated contractual extensions, commendations from their superiors, and recommendations by the College administration for regularization, their services have not been confirmed, whereas similarly placed employees have already been regularized on the anticipatory approval of Syndicate vide Office Order dated 02.09.2022. The Petitioners, therefore, allege discrimination and violation of their fundamental rights, seeking judicial intervention to direct the Respondents to regularize their employment in accordance with law.

3. Upon notice, the Respondents-University and its administration filed their comments, contending that the petition is not maintainable as the Petitioners were appointed purely on a contingency and fixed-pay basis through Walk-in-Interviews conducted by the then Principal, Ghulam Muhammad Mahar Medical College, Sukkur, on 20.08.2016, without any approval or recommendation from the University Selection Board. It was asserted that the appointment orders expressly stipulated that in case of regular selection, candidates must appear before the University Selection Board, and that no legal proceedings could be initiated against the University or its officers for actions taken in good faith under the Shaheed Mohtarma Benazir Bhutto Medical

University Act, 2008. The Respondents further stated that the Petitioners' appointments were temporary in nature, made for repair and maintenance purposes, and that the Syndicate of the University, in its 45th Meeting held on 17.03.2021, had unanimously resolved that no regularization of employees would be made through the Syndicate. It was also averred that regular appointments fall within the purview of the Universities & Boards Department and require prior approval from the Chief Minister Sindh as Chancellor, which has not been granted; therefore, the Petitioners, having accepted the terms of their contingency engagement, have no vested right to claim regularization of service.

4. Mr. Saifullah Soomro, learned counsel for the Petitioners, contended that the Petitioners have been serving the Respondents-institution since 2016 with devotion and competence, having been appointed through a transparent process of walk-in interviews duly advertised in 2016. He argued that their continuous service and repeated contractual extensions created a legitimate expectation of regularization, particularly when services of similarly placed employees namely Ms. Amber Sangi, Assistant (BPS-14), and Mr. Mansoor Ali Tunio, Junior Clerk (BPS-07), were regularized by the Vice Chancellor/Chairperson, Syndicate SMBBMU Larkana vide Office Order dated 02.09.2022 on the anticipatory approval of the Syndicate. He maintained that the Respondents' failure to extend the same benefit to the Petitioners constitutes discrimination, arbitrariness, and violation of Articles 4, 9, and 25 of the Constitution of the Islamic Republic of Pakistan, 1973, warranting judicial interference to direct regularization of their services in accordance with law.

5. Mr. Sarfaraz Ahmed Abbasi, learned counsel for the University, assisted by Mr. Ali Raza Baloch, learned Additional Advocate General, argued that the petition is not maintainable under Article 199 of the Constitution, as the Petitioners were appointed purely on a contractual and contingency basis through

walk-in interviews conducted by the then Principal, Ghulam Muhammad Mahar Medical College, Sukkur, in 2016, without approval of the University Selection Board or against any sanctioned posts. He submitted that their engagement was temporary, terminable without notice, and clearly stipulated that regular appointments would only be made through a competitive process before the Selection Board. Learned counsel further contended that the Syndicate of Shaheed Mohtarma Benazir Bhutto Medical University, being the competent statutory authority, in its 45th Meeting held on 17.03.2021, unanimously resolved that no regularization of contractual or contingency employees would be made by the Syndicate. He further contended that cases of the two similarly placed employees were placed before the Syndicate for their regularization but the Syndicate in its 49th Meeting held on 07.10.2023, regretted their matter of regularization vide Notification dated 08.11.2023. He further concluded that the Petitioners, having accepted contractual employment with open eyes, cannot now invoke constitutional jurisdiction to alter their service terms, and thus the petition is misconceived, devoid of merit, and liable to be dismissed. To support his contentions, counsel for Respondents-University relied upon case of Vice-Chancellor Agriculture University, Peshawar and others v. Muhammad Shafique and others (2024 SCMR 527).

6. Heard the learned counsel for the Petitioners, and the learned counsel for the Respondents-University, assisted by Additional Advocate General Sindh. The record, along with the documents and annexures placed on file, has been carefully examined. The issues that arise for determination before this Court are: whether the Petitioners, having been appointed on contingency and fixed-pay basis without approval of the University Selection Board, possess any vested or enforceable right to seek regularization of their services under Article 199 of the Constitution; whether the decision of the University Syndicate, declining regularization of contractual

and contingency employees, is tainted by arbitrariness or discrimination so as to warrant judicial interference; and whether the long, continuous, and satisfactory service of the Petitioners confers upon them any legitimate expectation or equitable right of regularization in the absence of statutory backing.

7. The record reveals that the Petitioners were appointed in 2016 through a transparent process of Walk-in-Interviews and have since been rendering their unbroken services at Ghulam Muhammad Mahar Medical College, Sukkur. Their performance has been consistently satisfactory and, significantly, the Principal, Prof. Dr. Zulfiqar Ali Soomro, through his letter dated 15.01.2021, expressly recommended their regularization, noting that the Petitioners had displayed efficiency, honesty, and dedication and that there existed no adverse remarks in their service record. Such an endorsement from the immediate administrative head carries substantial evidentiary weight and ought not to be disregarded, for it reflects both the necessity of their posts and the quality of their service.

8. It is indeed correct, as argued by the learned counsel for the Respondents, that contractual employment does not *per se* confer a vested or statutory right to regularization. The principle *pacta sunt servanda*—agreements must be observed—requires that the parties remain bound by the terms of their contracts. However, the doctrine of *legitimate expectation*, grounded in fairness and equality, tempers the rigidity of this principle, particularly when the conduct of the public authority engenders a reasonable belief that regularization will follow sustained service and official assurances.

9. In the present case, the Petitioners have not only been retained continuously but were also assured from time to time that their cases would be placed before the Syndicate for confirmation. This assurance, coupled with the official recommendation of the Principal, created a legitimate expectation protected under Article 4 and Article 25 of the Constitution. In this regard, record also reflects that on

04.09.2024, this Court had passed an order specifically directing the respondent University to initiate action for the regularization of the Petitioners before the competent authority, as the Petitioners have been serving since the year 2016, and their contracts have been renewed from time to time, which, as per directions of the Hon'ble Apex Court, is not a desirable conduct. The said order is reproduced as under:

“Statement has been filed on behalf of respondents Nos, 2 to 7, which is taken on record, which reflects that petitioners were inducted in the year, 2016 on contingency basis and on fixed monthly salary, now they are claiming their regularization which is in violation of the terms and conditions of their appointment order, and the Syndicate of the University in its 45th meeting held on 17-03-2021 has unanimously decided that no regularization of employees of the University shall be made./Learned counsel for the petitioner draws attention of this Court towards Annexure-D page No. 213 which shows that Ambar Sangi (Assistant BPS-14) and Mansoor A Tunio (Junior Clerk BPS-07) and on the anticipatory approval of Syndicate, which was to be sought from upcoming meeting of the Syndicate were even regularized in such a hotchpotch manner.

In the circumstances at hand, the respondents are directed to initiate action for the regularization of the petitioners before the competent authority as the petitioners are serving since year 2016 and as per directions their contract has been renewed from time to time, which as per directions of the Apex Court is not a desirable conduct.

To come up on 02-10-2024”.

10. As to compliance of the above order, on 05.08.2025, learned counsel for the Respondents-University submitted that the University intends to seek review of the order dated 04.09.2024; however, when confronted with the time limitation prescribed under the Limitation Act, learned counsel sought time for compliance, and on his request, two months' time was granted. The order dated 05.08.2025 is also reproduced as under:

“At the outset, learned counsel for the Respondents-University submits that the university intends to seek review of the order dated 04.09.2024.

However, when confronted with the time limitations prescribed under the Limitation Act, he seeks time for compliance. He further submits that the matter of regularization of services of petitioner was to be decided by the Syndicate, and the order dated 04.09.2024 was not placed before the Syndicate for discussion or otherwise; consequently, the same has not been complied with in its letter and spirit. He seeks time to place the matter before syndicate of the university.

Learned AAG and learned counsel for the petitioner have no objection to the proposal advanced by learned counsel for the Respondents-University. Accordingly, two months' time is granted for compliance.

To come up on 7th October 2025. The attendance of official respondents is dispensed with till further orders”.

11. Record further reveals that on 07.10.2025, counsel for the respondent-university filed a compliance report along with Resolution/Decision No. Syn-58/06.10.2025/Item, passed by the Syndicate of the University in its 58th Meeting held on 06.10.2025, which reflects that only the cases of similarly placed employees, namely Mrs. Amber Sangi and Mr. Mansoor Ali Tunio, were placed before the Syndicate in its 49th Meeting held on 07.10.2023, wherein the Syndicate unanimously regretted the matter of regularization of the said employees. However, the cases of the present Petitioners were never placed before the Syndicate in compliance with the order dated 04.09.2024, which contained clear directions to the Respondents-University to initiate action for the regularization of the Petitioners before the competent authority, as the Petitioners have been serving since the year 2016 and their contracts have been renewed from time to time, which, as per the directions of the Apex Court, is not a desirable practice. The said order, however, has not been complied with in letter and spirit, though admittedly it is still in the field and has neither been challenged by the Respondents-University nor has any review of the same been filed.

12. In view of the above, we are of the considered view that while contractual employment ordinarily carries no right to regularization, the facts of the present case constitute an exceptional situation

where administrative assurances and spotless continuous service records have created a legitimate expectation in favour of the Petitioners. Accordingly, while **disposing of** this petition, we direct the Respondents-University to place the matter of the Petitioners before the upcoming meeting of the Syndicate within a period of two months from the date of this order for regularization of their services, in accordance with the directions contained in the order dated 04.09.2024 passed by this Court, which is still in the field and has not been challenged by the Respondents-University.

JUDGE

JUDGE

Ahmad/P.S