

# HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD

**CP. No. D- 1757 of 2012**

[ Herlal and others v. Government of Sindh and others]

**BEFORE:**

JUSTICE ADNAN-UL-KARIM MEMON

JUSTICE RIAZAT ALI SAHAR

Mr. Sameeullah Rind, advocate for petitioners

Mr. Rafique Ahmed Dahri, Assistant A.G. Sindh

Date of hearing & decision: 11.11.2025

## **ORDER**

**ADNAN-UL-KARIM MEMON J.-** This Constitutional Petition was disposed of vide order dated 22.11.2017. An excerpt of the order is reproduced as under:-

“ Petitioners claim to be employees of the Sports and Youth Affairs Department and working on different posts at the Sindh Sports Board, Hyderabad. Their case is that they have been rendering services for the last many years, but still their service has not been regularized, nor are annual increments are being added to their salaries.

Today, Dr. Niaz Ali Abbasi, Secretary to the Government of Sindh, Sports and Youth Affairs Department, respondent No.1 has appeared and has filed comments. In his comments, he has stated that the petitioners were temporarily employed in Sindh Sports Board, Hyderabad by two officers namely Syed Ashraf Ali Shah the then Coordinator Sindh Sports Board, Hyderabad and Syed Ghulam Akbar Shah Bukhari the then Director, Sports. Per him, the department concerned is required to forward SNE proposal to the Finance Department for creation of regular posts and once the SNE proposal is approved, the regular posts are sanctioned and newly created posts are made part of the budget book and only then the process of appointment against the regular posts is initiated. According to him, the said procedure was not followed and, therefore, uptill now the petitioners are working on temporary basis. He has further stated that Hyderabad Sports Complex and Hostel was constructed in the year 1998, but no SNE proposal of the said premises was ever forwarded to the Finance Department for regular posts. And he after joining as Secretary has worked out on that proposal and has already submitted the same in the Finance Department vide his letter dated 21.11.2017. He has placed a copy whereof on record. Per him, once this proposal is approved then the process of appointment on the posts, held by the petitioners, on regular basis would start and the petitioners, who have been rendering services for many years would be considered as per rules and their merit. He, however, has assured that meanwhile, no adverse action would be taken against the petitioners and they would be paid the salaries as per their entitlement. He has also ensured that he would personally look into the matter and would see that the SNE proposal is

accepted by the Finance Department within the time stipulated in his letter dated 12.11.2017

The proposal articulated by the said Secretary has been accepted by learned counsel for the petitioner. However, we in addition to above would like to observe that as soon as the SNE is accepted and regular posts are created, the petitioners apart from being considered in accordance with rules shall also be considered on the basis of the period of service which they have already rendered in the department, and, therefore, be given preference accordingly

These petitions are disposed of in the above terms. However, the compliance report shall be submitted by the Secretary, Sports and Youth Affairs, soon after the stipulated time.

This is the second contempt application. Today, the Secretary has filed a compliance report. An excerpt of the same is reproduced as under:-

“It is humbly submitted that in compliance with Honorable Court Order dated 27.11.2017, the department had already prepared Sindh Sports Board Regulation, 2021, and Sindh Sports Board Employees (Services) Regulations-2022, and the same had already been vetted by the Law Department, Government of Sindh. Further, in pursuance of Section 2(1) of the Sindh Sports Board (Amendment) Act. In 2018, the quorum of the Sindh Sports Board was required to be duly constituted and notified for convening the 1st meeting of the Board, as the Board's functions had remained seized and non-operational for a considerable period.

In this regard, the Department, in compliance with Section 2(1)(xii) & (xiii) of the Sindh Sports Board (Amendment) Act. 2018. has completed the process of nomination, whereby four (04) representatives of member associations have been nominated by the Government, and two (02) Members of the Provincial Assembly of Sindh have been nominated by the Hon'ble Speaker. The same nominations have also been ratified by the Cabinet. Accordingly, the same has been forwarded to Secretary (GA), SGA & CD, for issuance of necessary instructions to publish the same in the next gazette (draft gazette enclosed).

Once the reconstitution of the Board is notified, the matter related to the regularization of the employees and the Sindh Sports Board Regulation, 2021, and Sindh Sports Board Employees (Services) Regulations-2022 will be placed before the Board, being the Competent Forum for consideration and decision.

It is humbly prayed and submitted that the Department is actively pursuing the matter of compliance of the Honourable Court's Orders.”

In view of the compliance report submitted by the Secretary, Sports and Youth Affairs Department, and the steps stated to have been taken for reconstitution of the Sindh Sports Board, no further proceedings are required in the present contempt application. However, it is directed that upon notification of the reconstituted Board, the Secretary shall place the case of the

petitioners, including the matter of their regularization and meaningful consideration under the Sindh Sports Board Regulation, 2021, and the Sindh Sports Board Employees (Services) Regulations, 2022, before the Board for meaningful and expeditious consideration strictly in accordance with law. The Board shall decide the petitioners' case, keeping in view the directions contained in the order dated 22.11.2017 regarding consideration of their length of service and preference, within a period not exceeding three (03) months from the date of its notification.

Subject to these directions, the contempt application stands disposed of.

JUDGE

JUDGE

Karar\_hussain/PS\*