

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Present:

Mr. Justice Adnan Iqbal Chaudhry
Mr. Justice Abdul Hamid Bhurgri

Constitution Petition No. D-830 of 2015

[Shahid Muhammad & others versus Commissioner Larkana Division and others]

Petitioners : Through Mr. Habibullah G. Ghouri,
Advocate

The State : Through Mr. Liaquat Ali Shar, Addl.
Advocate General, Sindh.

Date of Hearing : 25-02-2026

Date of Order : 25-02-2026

ORDER

Adnan Iqbal Chaudhry J. - The Petitioners claim to be employed by the office of Commissioner Larkana Division. They seek a writ to the relevant Government to regularize their service.

2. As per documents produced, Petitioners 1 and 3 were appointed in 2009 by the District Coordination Officer respectively as Naib Qasid and Junior Clerk on daily wages as contingent paid staff. In 2011, and again in 2012, Petitioner No.1 was re-engaged on same terms, categorically stating that same should not be construed as regular appointment. There is nothing to show that Petitioner No.3 was retained after 2009. No document has been filed to show that Petitioner No.2 was ever appointed to any Government post.

3. Apart from the foregoing, the Petitioners do not seek regularization of service under any statute or Government policy, rather on the ground that persons similarly placed were regularized by order dated 08.05.2015 passed in C.P. No. D-2433/2011. However, since then, there have been numerous judgments by the Supreme Court declining regularization of

daily wagers. Therefore, the regularization order passed in C.P. No. D-2422/2011 is not binding precedent.

4. Others submissions on regularization made by learned counsel have already been considered and rejected by a Full Bench of this Court in the case of *Muhammad Arif v. Federation of Pakistan*, 2025 PLC (C.S) 93, as follows:-

“26. It is settled law that for a writ to issue under Article 199(1)(a) of the Constitution the petitioner has to establish that he is guaranteed a fundamental or legal right, as the object of the Article is the enforcement of a legal right and not the establishment of a legal right.¹ The precedents binding us categorically hold that in the absence of a specific provision in the contract, or a law providing for regularization, contract employees do not have a vested right for regular appointment solely for long and satisfactory contractual service; and that, while exercising jurisdiction under Article 199 of the Constitution the High Court cannot extend the scope of a contract or alter the terms and conditions of employment in favour of the employee. These are pronouncements of the Supreme Court in *Muzaffar Khan v. Government of Pakistan* (2013 SCMR 304); *Government of Khyber Pakhtunkhwa, Workers Welfare Board v. Raheel Ali Gohar* (2020 SCMR 2068); *Owais Shams Durrani v. Vice-Chancellor Bacha Khan University* (2020 SCMR 1041); *Sui Southern Gas Company Ltd. v. Zeeshan Usmani* (2021 SCMR 609); *Government of Khyber Pakhtunkhwa v. Saeed ul Hasan* (2021 SCMR 1376); *Khushal Khan Khattak University v. Jabran Ali Khan* (2021 SCMR 977); *Pakistan Telecommunication Company Ltd. v. Muhammad Samiullah* (2021 SCMR 998); *Government of Khyber Pakhtunkhwa v. Sher Aman* (2022 SCMR 406); *Deputy Director Finance & Administration FATA v. Dr. Lal Marjan* (2022 SCMR 566); and *Vice Chancellor Agricultural University, Peshawar v. Muhammad Shafiq*². The ratio decidendi of these precedents is that absent a statutory basis for regularization, an employee has no fundamental or vested right to regularization.

28. Adverting to the case-law relied upon by learned counsel for the Petitioners, it is correct that in *State Oil Company Ltd. v. Bakht Siddiqui* (2018 SCMR 1181) and *Pir Imran Sajid v. Managing Director, Telephone Industries of Pakistan* (2015 SCMR 1257), the right to life and livelihood in Article 9 of the Constitution was cited to deprecate denial of regularization to employees who had given the prime of their life to the employer. However, in both those cases the High Court had exercised writ jurisdiction to implement a policy of the Federal Government for regularizing contract employees. In *Bakht Siddiqui*, that is apparent from the judgment of the High Court

¹ *Abdullah Mangi v. Pakistan International Airlines Corporation* (2005 SCMR 445).

² Judgment dated 17-01-2024 in C.P. No. 2270/2019 and connected petitions.

reported at 2017 PLC (C.S.) 1192. In *Pir Imran Sajid* that fact is noted in paras 3 and 10 of the judgment. It was therefore in the context of enforcing a Government policy on regularization that a reference was made to Article 9 of the Constitution. In the petitions before us there is no statute or Government policy that the Petitioners can rely on for regularization.

30. In conclusion, when there is no statute or Government policy applicable to the SSGC requiring or enabling it to regularize contract employees, no writ can issue to it to do so under Article 199(1)(a) of the Constitution. In such circumstances, the refusal of the SSGC to regularize the Petitioners does not infringe their fundamental rights in Articles 9 or 25 of the Constitution and does not entitle them to invoke the writ jurisdiction of the High Court. The petitions are therefore dismissed.”

5. In this case also, there is no statute or Government policy applicable to the Respondents requiring or enabling them to regularize the Petitioners. Therefore, no writ can issue to do so under Article 199(1)(a) of the Constitution. The petition is therefore dismissed.

JUDGE

JUDGE