

# HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

**Before:**

**Justice Arbab Ali Hakro**

**Justice Riazat Ali Sahar**

**C.P No.D-1151 of 2024**

*[Ali Bux Laghari v. Province of Sindh and 04 others]*

**C.P No.D-1152 of 2024**

*[Riaz Ali v. Province of Sindh and 04 others]*

Petitioners by : Ms.Shahida Tabasum Rana, Advocate

Respondents by : Mr.Rafiq Ahmed Dahri, Assistant Advocate  
General, Sindh

Dates of Hearing : **12.03.2026**

Date of Decision : **12.03.2026**

## **ORDER**

**ARBAB ALI HAKRO J:-** The above two petitions have been heard together as they arise out of a common factual background, involve identical questions of law, and challenge the same category of administrative action undertaken by the Public Health Engineering Department, Government of Sindh. Both petitioners seek confirmation of service and consequential benefits on the basis of their continued engagement as Pump Operators at the Rural Water Supply Scheme, Naseer Khan Laghari, District Tando Allahyar.

2. The factual matrix of the case is that petitioner Ali Bux (C.P. No. D-1151/2024) and petitioner Riaz Ali (C.P. No. D-1152/2024) were initially engaged through separate office orders dated 01.04.2019 issued by the Executive Engineer, Public Health Engineering Division, Tando Allahyar. The orders show that both petitioners were hired **on a work-charge basis at a fixed monthly remuneration** for the operation and maintenance of the Rural Water Supply Scheme, Naseer Khan Laghari. The orders further stipulate

that their engagement was purely temporary, subject to satisfactory performance and terminable without notice.

3. The subsequent office orders placed on record demonstrate that the petitioners continued to be re-engaged periodically for short spells, generally for **89-day periods**, under the same terms and conditions. These re-engagements were made in compliance with directions of the Supreme Court of Pakistan dated 14.01.2019 and the Water Commission's directives dated 11.07.2018, which required the Department to ensure uninterrupted operation of water supply schemes.

4. The petitioners assert that they have continuously performed their duties for more than five years without any complaint and that their long tenure, coupled with their educational qualifications, entitles them to confirmation of service and consideration for promotion. They further allege that respondents No. 4 and 5 intend to confirm other individuals of their choice while ignoring the petitioners, which, according to them, amounts to discrimination, favouritism, and violation of their constitutional rights. The grievance of both petitioners is that despite repeated representations, the Department has neither regularised their services nor considered them for confirmation, compelling them to invoke the constitutional jurisdiction of this Court under Article 199 of the Constitution.

5. The respondents No.2 and 4 have filed para-wise comments in both petitions. The engagement of the petitioners as Pump Operators on 01.04.2019 is admitted. However, the respondents categorically state that the petitioners were hired only on a work-charge/daily-wage basis, purely temporarily, and strictly for short periods, in line with the administrative needs of the scheme. It is further stated that each office order clearly mentions that the engagement is temporary and terminable at any time without notice. The respondents deny that the petitioners ever completed any probation period or acquired any right to confirmation. They also deny allegations of favouritism

or intention to confirm any other person in place of the petitioners. The respondents maintain that the petitioners' engagement was never against any sanctioned post, nor was any recruitment process undertaken under the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules. According to the respondents, no vested right to regularisation or confirmation has accrued to the petitioners.

6. In the comments filed by the Chief Engineer (O&M), it is specifically asserted that the petitioners' services were extended only due to operational requirements of the scheme and that the Department is under no legal obligation to confirm or regularise work-charge employees.

7. Learned counsel for the petitioners submits that both petitioners have served the Department continuously for more than five years, performing duties identical to those of regular Pump Operators. It is argued that such long and uninterrupted service creates a legitimate expectation of confirmation, particularly when the petitioners have been repeatedly re-engaged without interruption. Counsel further contends that the petitioners meet the educational criteria for the post and that the Department's refusal to confirm them, while allegedly intending to favour other individuals, amounts to discrimination and violation of Articles 4, 18 and 25 of the Constitution. It is argued that the petitioners cannot be kept in a perpetual ad hoc status and that the Department is bound to consider them for regularisation in accordance with law. Learned counsel submits that the petitioners' rights have been infringed by arbitrary administrative conduct and that this Court may issue appropriate directions to ensure fairness, transparency and protection of their constitutional rights.

8. Conversely, learned AAG Sindh supports the comments filed by the Department and submits that the petitioners were never appointed through a competitive process nor against any sanctioned post. Their engagement was purely work-charge, temporary and contractual in nature, terminable without

notice and therefore incapable of creating any right to confirmation. Learned AAG argues that the petitioners' repeated re-engagements do not convert their temporary status into permanent service, nor do they create any enforceable right under Article 199. It is further submitted that regularisation or confirmation can be made only in accordance with the statutory rules and sanctioned strength, and the petitioners do not meet these legal prerequisites. Learned AAG therefore prays for dismissal of both petitions, asserting that no constitutional or legal right of the petitioners has been violated.

9. We have heard learned counsel for the petitioners and the learned Assistant Advocate General Sindh, and have carefully perused the material available on record.

10. The material facts are undisputed. The petitioners were engaged on a work-charge/daily-wage basis for 89-day periods, repeatedly extended, always under the same terms: temporary, non-permanent, and terminable without notice. Their engagement was not against sanctioned posts, nor through any recruitment process under the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules.

11. The petitioners' entire claim rests on the length of their service and an asserted legitimate expectation of confirmation. However, the Full Bench of this Court in the case of **Muhammad Arif**<sup>1</sup>, after surveying binding Supreme Court jurisprudence, has conclusively held that long service alone does not create a vested right to regularisation, nor can Article 199 be invoked to enlarge contractual terms or create rights not recognised by statute or policy.

12. The petitioners have not pointed to any statute, rule, notification, or Government policy enabling the regularisation of work-charge employees of the Public Health Engineering Department. Their reliance on Articles 9 and 25 of the Constitution is misplaced. Article 9 cannot be invoked to compel

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<sup>1</sup> Muhammad Arif v. Federation of Pakistan, 2025 PLC (C.S.) 93

regularisation where the law does not provide for it, and Article 25 cannot be attracted in the absence of any material showing that similarly placed work-charge employees have been regularised while the petitioners have been excluded.

13. The allegations of favouritism are wholly unsubstantiated. No particulars, names, or documents have been produced to demonstrate that any other work-charge employee has been confirmed or that the Department intends to do so. Bald assertions cannot form the basis of constitutional relief.

14. The petitioners' engagement pursuant to directions of the Supreme Court and the Water Commission does not create any independent service rights. Those directions were issued to ensure continuity of water supply schemes, not to confer permanent status on individuals engaged for operational needs.

15. While the petitioners may have served for several years, the nature of their engagement has remained unchanged. To judicially convert a temporary work-charge arrangement into permanent service would amount to rewriting the contract and intruding into the executive domain, which Article 199 does not permit.

16. For the reasons recorded above, both the petitions are **dismissed**.

**JUDGE**

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