

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

CP No.D-1790 of 2024

[Niaz Hussain & others v. Province of Sindh & others]

Before:

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Riazat Ali Sahar

Petitioners: Niaz Hussain & others through Ms. Rehana Nazeer Gujar, advocate

Respondents: Province of Sindh and others through Mr. Rafique Ahmed Dahri Assistant A.G. Sindh along with Barkat Ali Director Daudpota Library Hyderabad.

Date of hearing: 20.11.2025.

Date of decision: 20.11.2025.

J U D G M E N T

RIAZAT ALI SAHAR, J: - Through this petition, the petitioners seek following reliefs:-

- a) That this Honourable court may be pleased to direct the respondents No.1 & 2 to regularize contingent paid staff on vacant post in directorate General Public Libraries Culture Tourism, Antiquities and Achieves Department Government of Sindh.
- b) That this Honourable Court may be pleased to direct the respondents No.1 & 2 release the salaries of petitioners from month of September 2024.
- c) Cost of the petition may be saddled upon the respondents.
- d) Any other relief which this Honourable court deems fit and proper in the favour of petitioner.

2. The case of the petitioners is that they were repeatedly hired on contract and on a daily-wage basis as employees at the Hasrat Mohani Library, Hyderabad, where they continue to serve on a temporary basis. The official letters on record indicate that the petitioners were engaged from time to time, Petitioner No. 1 as Mali (Gardener) from 09.08.2012 to

30.09.2020; Petitioner No. 2 as Accountant from 17.02.2016 to 29.03.2020 and Petitioner No. 3 as Library Attendant from 01.10.2014 to date. Despite an announcement by Respondent No. 2 regarding the permanent induction of temporary employees, an event also reported in the Daily Kawish newspaper dated 07.04.2015, the petitioners were not regularized. They submitted applications to the competent authorities and the In-charge of Hasrat Mohani Library forwarded a recommendation to the Deputy Director, Libraries, for their regularization, asserting that the petitioners had the first legal right to appointment. However, no relief was granted. An advertisement for recruitment in the Culture Department was later published in the Daily Kawish on 29.05.2021, after which the then Librarian again wrote a recommendation letter to the Deputy Director, Libraries, but no positive outcome ensued. The petitioners also submitted an application to the Chief Minister, Sindh, but received no relief. Furthermore, the petitioners' salaries were stopped from September 2024 onward. Consequently, the petitioners filed the instant petition.'

3. In response to the Court's notice, Respondent No. 1 filed comments stating that any individual hired as a daily-wage or contract employee cannot be regularized under the Sindh Regularization of Adhoc and Contract Employees Act, 2013. According to Respondent No. 1, the petitioners fall within the category of employees hired purely on a daily-wage and work-charged basis and therefore cannot be regularized in contravention of the said Act.

4. Learned counsel for the petitioners contended that the petitioners have been continuously serving the Hasrat Mohani Library for several years, performing duties essential to the functioning of the institution and therefore have acquired a legitimate expectation of regularization. She contended that Respondent No. 2 had publicly announced the permanent induction of temporary employees, which was also reported in the newspapers thereby creating enforceable rights in favour of the petitioners. She further contended that despite repeated recommendations by the Library In-charge and the Librarian, the departmental authorities failed to regularize their services without any lawful justification. She contended that the petitioners were denied their salaries from September 2024, which is an arbitrary and discriminatory act in violation of their constitutional rights. She further contended that the petitioners' long and uninterrupted service entitles them to protection

under the Constitution and the respondents cannot exploit daily-wage appointments to deprive them of fair treatment. She prays that the petitioners be regularized and their withheld salaries released.

5. Conversely, the learned A.A.G. Sindh contended that the petitioners were engaged purely on a daily-wage and work-charged basis and therefore cannot claim regularization as a matter of right. He contended that the Sindh Regularization of Adhoc and Contract Employees Act, 2013 does not extend to daily-wage employees and any regularization in their favour would violate the statutory scheme. The department made no commitment of permanent employment and any newspaper reports or internal recommendations hold no legal force. He therefore contended that the petition is devoid of merit and is liable to be dismissed.

6. We have heard the learned counsel for the respective parties and perused the record.

7. After hearing the parties and examining the material available on record, it stands admitted that all three petitioners were engaged by the respondents from time to time on contract, contingent, or daily-wage basis. Petitioner Niaz Hussain was initially appointed as Maali (Gardener) on contract for various consecutive periods commencing from 01.08.2012, with repeated extensions up to 01.02.2014 by the Administrator, Hasrat Mohani Central Library, Hyderabad. Subsequently, he was again engaged on fixed pay for 89 days w.e.f. 01.07.2020 to 30.09.2020 by Respondent No. 2. Petitioner Ali Haider was engaged on a voluntary/contingent basis for looking after the E-Library section from 04.03.2016, and thereafter on temporary basis from 01.10.2019 to 28.12.2019 and from 01.01.2020 to 29.03.2020 by the Librarian, Hasrat Mohani Public Library, Hyderabad. Petitioner Syed Shehroz Ahmed was appointed on 01.10.2014 as Library Attendant on contract basis. Order dated 28.11.2021 of the respondent No.2 (Annexure-D available at page-39 of the Court file) also confirms the engagements of the petitioners for a period of 89 days, who were already working on the contract basis. The respondents do not deny these engagements.

8. It is also established from the record that despite recommendations for the petitioners from respondent No.4 vide letter dated 01.10.2020 (available at page-47 of the Court file) were never considered, even though an advertisement for recruitment was

subsequently published in the Daily Kawish dated 29.05.2021 for filling posts in the Culture Department. Furthermore, the stoppage of petitioners' salaries from September 2024, without any lawful justification, constitutes a *prima facie* arbitrary and discriminatory action. The principle laid down by the Honourable Supreme Court in Civil Petition No. 687-K/2016 (Ghulam Hussain Khoso) is directly attracted to the present case. In the said matter, the Supreme Court upheld the claim of similarly situated contractual/contingent employees and ordered redress. The same approach has been consistently applied to comparable employees such as Arbab Khoso and Ali Gul Khoso, who were regularized pursuant to the recommendation of the Advocate General, Sindh. Moreover, the dictum laid down in ***Hameed Akhtar v. Secretary Establishment Division (1996 SCMR 1158)*** reinforces the principle that once a matter relating to a particular category of employees has been adjudicated, all similarly placed individuals are entitled to identical treatment, without compelling each affected person to seek separate judicial intervention. Applying these principles to the present case, the petitioners, having served continuously and diligently and being similarly situated to those employees regularized pursuant to the decisions discussed above, are entitled to regularization in accordance with their respective posts or any other suitable posts in line with their qualifications. Their claim is further strengthened by the recommendations placed on record by Respondent No. 4.

9. In view of the above, the respondents are directed to continue the services of the petitioners and to regularize them against the posts of Maali, Accountant and Library Attendant, respectively, or against any other suitable posts commensurate with their qualifications. The respondents shall also ensure release of salaries of the petitioners.

10. The petition is disposed of in the above terms.

JUDGE

JUDGE