HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-583 of 2010
[Basharat Rasool vs. PEMRA and others]

Before:
JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE MUHAMMAD JAFFER RAZA

Petitioner:	By Mr. Muhammad Sulleman Unar advocate
Respondents	By Mr. Ghulam Abbas Sangi Assistant Attorney General
Date of hearing	23.10.2026
Date of Decision	23.10.2026

O R D E R

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ADNAN-UL-KARIM MEMON J:- The petitioner, a Field Inspector in PEMRA, Hyderabad Region, was appointed on contract basis on 01.10.2005 after qualifying the prescribed recruitment process and seeks regularization of his service with effect from the date of his contractual appointment based on parity.

2. Learned counsel for the petitioner contends that despite satisfactory performance and appreciation by his superiors, PEMRA discriminated against him by appointing other Field Supervisors on regular basis without proper approval and by treating similarly placed employees of Punjab Region more favourably. He submits that his requests for regularization and seniority from the date of initial appointment were unlawfully declined, vide order dated 29.12.2008, while his services were regularized only with effect from 01.07.2008 i.e. from the date of regularization. He further alleges that he was deprived of admissible increments, revised salary, medical facilities, CPF and mobile phone allowance for the period from October 2005 to September 2008. He challenges the rejection order as discriminatory, mala fide and violative of Articles 25 and 27 of the Constitution, seeking regularization and seniority from 01.10.2005, together with all consequential financial and service benefits.

3. Learned AAG contends that the petition is not maintainable under Article 199 of the Constitution, as it involves disputed questions of fact and the PEMRA (Employees Service) Regulations, 2008, are non-statutory in nature; therefore, the principle of master and servant applies. He submits that the petitioner is estopped from challenging the seniority arrangement after voluntarily executing an undertaking accepting the seniority of regularly appointed Field Inspectors. He

further argues that contractual employees cannot claim seniority from the date of contractual appointment, as seniority is determined from the date of regular appointment. The petitioner's contract was extended with ex-post facto approval, and his services were regularized in accordance with the applicable rules and policy, while his salary arrears were paid upon approval by the competent authority. He maintains that the impugned order dated 29.12.2008 was lawful, no discrimination was committed, and the petitioner has an alternate remedy. Accordingly, he seeks dismissal of the petition.

4. We have considered the submissions of learned counsel for the parties and examined the available record. Section 11 of the Pakistan Electronic Media Regulatory Authority Ordinance, 2002, empowers PEMRA to appoint its employees on such terms and conditions as may be prescribed by regulations. In the absence of an applicable statutory provision or a binding regularization policy conferring retrospective effect, contractual service does not automatically confer the status, seniority or financial benefits of a regular employee.

5. Seniority ordinarily flows from regular appointment in the relevant cadre, unless the governing service regulations expressly provide otherwise. The petitioner's subsequent regularization with effect from 01.07.2008, therefore, cannot by itself be construed as conferring regular status retrospectively from 01.10.2005.

6. The petitioner's claim of parity with employees of Punjab Region also requires proof to be placed before the competent authority that they were similarly situated and regularized under the same applicable policy; Article 25 of the Constitution does not create a right to perpetuate an irregular or unauthorized benefit.

7. In view of the above, the petitioner has failed to establish an enforceable right to retrospective regularization, seniority and consequential benefits merely based on his contractual appointment, satisfactory performance or alleged discriminatory treatment.

8. The undertaking executed by him may be relevant to the question of seniority, but it cannot override any mandatory statutory provision or validate an otherwise unlawful action. The impugned order dated 29.12.2008 can be interfered with only if it is shown to be contrary to the governing law, applicable regulations, or a binding policy, or to have resulted from demonstrable unlawful discrimination which the petitioner failed to point out.

9. Accordingly, subject to verification that no applicable regulation or binding policy mandates retrospective regularization, for which the petitioner has to

substantiate the same. Still, he could not; therefore, the captioned petition is devoid of merit and is dismissed.

JUDGE

JUDGE

Karar_Hussain/PS*