ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

C. P. NO. D-4072 / 2022

(Adnan and another v. The Province of Sindh & others)

Date	Order with signature of Judge

Before:-
Mr. Justice Riazat Ali Sahar
Mr. Justice Ali Haider 'Ada'

Date of hearing: 20.10.2026

Date of order : 05.11.2026

Mr. Ahmed Ali Ghumro, advocate for the petitioners.
Mr. Zohaib Zulfiqar Sarki, Additional Advocate General Sindh.
Mr. Shah Hussain, Assistant Attorney General.
Mr. Irshad Ali Abro, Section Officer, Finance Department, Government of Sindh.

ORDER

Riazat Ali Sahar, J. Through this petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the petitioners seek regularisation of their contractual services as Data Processing Assistants (BS-14) under the Land Administration and Revenue Management Information System (LARMIS), Board of Revenue, Government of Sindh, with effect from their respective initial appointments and with consequential service and financial benefits. Their principal grievance is that employees recruited under the same scheme and through a comparable selection process have been regularized pursuant to earlier judicial decisions, whereas their own cases have not been accorded similar consideration.

2. Learned counsel for the petitioners submits that recruitment was initiated through a consolidated advertisement published in July 2012, followed by a written examination conducted by IBA Sukkur and assessment by a duly constituted Selection Committee. It is asserted that the competent authority approved their selection, appointment offers were issued on 10-03-2014 and the petitioners thereafter joined their respective assignments. Their contracts have, according to counsel, repeatedly been extended and the duties performed by them concern the continuing computerization and maintenance of land revenue records rather than any short-lived or isolated activity. Reference is made to governmental approvals said to have been issued on 15-05-2017 and 25-10-2017, the Provincial Cabinet decision of 29-03-2018, and provision of posts and budgetary allocations. Learned counsel contends that the Government cannot retain the services of one category of

employees on a contractual footing indefinitely while granting regular status to their colleagues without an intelligible basis of distinction.

3. Particular reliance is placed on Shahnawaz and 36 others v Province of Sindh through Chief Secretary 2023 PLC (CS) 447, arising out of C.P. No. D-7528 of 2018 and decided on 22-02-2022, in which the question of regularisation of employees recruited for LARMIS was examined. Counsel also relies upon Qadeer Ahmed and others v Province of Sindh and others 2026 SHC KHI 379, decided on 17-02-2026 in C.P. No. D-1922 of 2025 along with C.P. No. D-2736 of 2024, concerning Data Processing Assistants working under the same LARMIS arrangement. According to counsel, the judgment in Shahnawaz attained finality and was implemented for certain employees by notification dated 22-01-2024. It is submitted that a distinction founded only on the fact that the present petitioners were not parties to the earlier litigation would offend Article 25 of the Constitution.

4. Conversely, learned Additional Advocate General Sindh opposes the petition. He submits that the Supreme Court proceedings relating to computerization of Sindh's land records did not direct the creation of permanent posts or the absorption of every employee engaged for that exercise. The petitioners accepted contractual appointments under a project, and continuance of their services, however prolonged, did not itself create a vested entitlement to permanent Government employment. It is further argued that regularization is subject to the applicable service rules, sanctioned posts, prescribed recruitment procedure, competent approval and financial authorization. The earlier judgments, according to learned law officer, cannot operate as an indiscriminate license for regularization irrespective of material differences in the terms and legality of appointments. Dismissal of the petition is therefore sought.

5. Heard. Perused. The question requiring determination is not whether service rendered under a contract automatically becomes permanent after the lapse of a particular number of years. The real question is whether, in the light of the existing decisions concerning the very same LARMIS establishment, the petitioners are entitled to a lawful, non-discriminatory determination of their claim and, upon proof of their relevant equivalence with the employees already regularised, to the same benefit within the governing legal framework.

6. The starting point is the decision in ***Shahnawaz and 36 others v Province of Sindh through Chief Secretary 2023 PLC (CS) 447***. That case examined recruitment for LARMIS through IBA Sukkur, continuance of contractual engagement, the position of posts brought onto the non-development side and the

Cabinet's approach to regularization. The Court emphasized that public appointments must conform to merit, competitive selection and the applicable rules, and considered the consequences of obliging employees already selected through a competitive process to compete afresh for substantially the same posts. This judgment is of direct relevance because the petitioners claim to belong to the same recruitment category and to perform the same work. Its ratio, however, must be applied with attention to the factual and legal basis on which the earlier relief was granted.

7. Of still greater factual proximity is ***Qadeer Ahmed and others v Province of Sindh and others 2026 SHC KHI 379***. In that decision, a Division Bench of this Court considered the position of LARMIS Data Processing Assistants (BS-14), their recruitment through public advertisement, the IBA Sukkur examination and departmental interviews, and the benefit previously extended following Shahnawaz. Having found the employees before it to be identically placed, the Bench directed their regularization subject to codal formalities and deprecated the requirement of a fresh selection process. The decision constitutes a particularly material coordinate-Bench authority in the present controversy. Nevertheless, identity of designation alone is insufficient; the comparison must extend to recruitment, eligibility, approved establishment, terms of engagement and the legal source of regularization.

8. The constitutional principle applicable to that comparison is neither novel nor doubtful. In ***Government of Khyber Pakhtunkhwa through Secretary Agriculture and others v Adnanullah and others 2016 SCMR 1375***, the Supreme Court disapproved selective treatment of project employees where the relevant projects had been taken onto the regular budget and the employees fell within the governing statutory regularisation framework. Likewise, ***Pir Imran Sajid and others v Managing Director, Telephone Industries of Pakistan and others 2015 SCMR 1257*** considered the entitlement of long-serving contractual employees in the context of the competent employer's policy and the nature of the employment. These decisions demonstrate the importance of the particular legal regime and of consistent treatment within a genuinely comparable class; they do not establish that length of service, standing alone, substitutes for lawful recruitment.

9. A more recent examination of equality in the implementation of an existing regularisation policy is found in ***Chairman, NADRA, NADRA Headquarters, Islamabad and others v Abdul Majeed and another 2025 SCMR 612***. The Supreme Court considered the denial of a benefit under NADRA's own policy in circumstances where similarly situated employees had received that benefit and reiterated that the equality guarantee applies to the lawful

administration of such a policy. The principle is significant here: once the State has adopted and lawfully implemented a course of treatment for a defined category, it must explain any material departure when dealing with other persons of the same category. An unexplained omission cannot acquire legality merely because different individuals approached the Court at different times.

10. At the same time, the Court cannot overlook the controlling limitations placed by the Supreme Court upon claims for regularisation. In ***Vice Chancellor, Agriculture University, Peshawar v Muhammad Shafiq and others 2024 SCMR 527***, it was held that contractual employment does not confer an automatic or vested right to regularisation in the absence of legal or policy support, and that the process must account for eligibility, merit, suitability, available positions and financial implications. In ***Mohsin Raza Gondal and others v Sardar Mahmood and others 2025 SCMR 104***, the Supreme Court reiterated that entry into the stream of regular service is a fresh appointment which cannot bypass the prescribed legal mode of recruitment. Furthermore, in ***Government of the Punjab through Chief Secretary, Punjab, Lahore and another v Zaka Ullah and others 2025 SCMR 443***, it was emphasised that proposals, recommendations or the mere passage of time cannot replace the approvals and statutory authority required for regularisation. These authorities must be read alongside, and not excluded from consideration because of, the judgments relied upon by the petitioners.

11. The resulting legal position is that Article 25 requires equality in the application of law, not the repetition of an illegality. An employee cannot claim an appointment prohibited by the applicable law merely because another person has obtained an unlawful advantage. Conversely, the Government cannot disregard a lawful policy, an operative judicial determination and its own implementation of that determination in favour of employees belonging to the same class. The distinction between these propositions is decisive. The petitioners are not entitled to regularisation simply because they have served since 2014; nor may the respondents answer their claim simply by pointing to the word “contract” in their appointment letters.

12. There is also a material distinction between the individual operative relief in an earlier judgment and the rule of law on which that relief proceeds. Although a direction issued in favour of named litigants does not of itself convert every other contractual employee into a regular civil servant, the relevant judicial principle cannot be ignored when an administrative authority considers an employee demonstrably governed by the same facts, rules and policy. The plea that Shahnawaz was merely in personam is therefore not a complete answer to the present grievance. The respondents must identify a legally material feature

distinguishing these petitioners from the beneficiaries of that judgment and from the employees dealt with in ***Qadeer Ahmed***, if such distinction in fact exists.

13. It follows that a proper comparative examination is necessary. The respondents must verify the advertisement and recruitment criteria under which the petitioners were engaged; the IBA Sukkur test and Selection Committee proceedings; the petitioners' qualifications, appointments and continuity of service; the status of the posts and relevant financial sanction; the operative Cabinet or departmental policy; and the terms upon which the services of comparable LARMIS employees were regularised pursuant to the earlier judgments and notification dated 22-01-2024. The exercise is not to be converted into a fresh open competition merely for the sake of formality where the existing legal framework does not demand one. Equally, it must not be treated as an exemption from any condition that the law mandatorily prescribes.

14. As regards the prayer that regularisation should operate from the dates of initial contractual appointments, caution is required. ***Vice Chancellor, Agriculture University, Peshawar v Muhammad Shafiq and others 2024 SCMR 527*** specifically explains that regularisation ordinarily operates prospectively from the competent regularisation order and that ante-dated regularisation cannot be presumed. Although Qadeer Ahmed contains directions concerning the initial dates of appointment of the employees before that Bench, the entitlement of the present petitioners to an effective date, seniority, arrears or other consequential benefits must be addressed by a reasoned decision consistent with binding Supreme Court authority, the precise operative relief applicable to their category and any valid governing law or policy. No unconditional declaration of retrospective regular status is therefore made upon the present material.

15. In these circumstances, outright dismissal would fail to give effect to the significant and directly relevant LARMIS decisions, whereas an unconditional declaration of regularisation without individual verification may overlook mandatory legal requirements. A direction requiring a genuine, time-bound determination, coupled with an obligation to grant equal lawful treatment where equivalence is established, appropriately reconciles both considerations. The respondents are public authorities; they cannot evade the required decision by allowing the matter to remain indefinitely pending or by repeating general objections already dealt with in earlier litigation.

16. Accordingly, the petition is disposed of with the following directions:

(1) The Senior Member, Board of Revenue, Government of Sindh, in coordination with the concerned administrative and Finance Departments,

shall examine the cases of the petitioners in the light of Shahnawaz and 36 others v Province of Sindh through Chief Secretary 2023 PLC (CS) 447, Qadeer Ahmed and others v Province of Sindh and others 2026 SHC KHI 379, and the notification dated 22-01-2024, while applying the governing service rules and the principles settled by the Supreme Court.

(2) If, upon verification of the relevant records, the petitioners are found to have been recruited through the same lawful process, to possess the requisite eligibility, and otherwise to belong to the same legally recognised class as employees already regularised, the respondents shall accord them the same lawful treatment and issue the requisite order of regularisation, subject only to applicable mandatory codal requirements. A refusal based on any alleged distinction shall identify that distinction precisely and explain its legal significance.

(3) The petitioners shall not be required to participate in a fresh competitive selection process solely because they were not parties to the earlier proceedings, unless the respondents identify a specific and applicable legal provision making such process mandatory notwithstanding their previous recruitment and the relevant judicial decisions.

(4) The competent authority shall separately determine the permissible effective date of regularisation, if granted, and the admissibility of seniority, salary differentials and other consequential benefits strictly in accordance with law and the binding pronouncements of the Supreme Court. No retrospective financial or service benefit is to be presumed merely from the period of contractual engagement.

(5) Until the above exercise has been completed, the respondents shall not terminate or discontinue the petitioners' contractual engagements merely to render the consideration directed by this Court illusory. This protection shall not prevent any lawful action independently warranted by the applicable terms of appointment or other governing law.

(6) A speaking and reasoned order shall be passed and communicated to each petitioner within sixty days of receipt of a copy of this order. The competent authority shall complete the exercise in good faith and with due regard to the requirement of equal treatment under Article 25 of the Constitution.

17. The petition stands disposed of in the above terms, along with all pending applications. No order as to costs.

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Shahzad Soomro