

IN THE HIGH COURT OF SINDH AT KARACHI

Present:

Mr. Justice Muhammad Saleem Jessar
Mr. Justice Nisar Ahmed Bhanbhro

Constitution Petition No. D-1629 of 2022

(Muhammad Naeem Kiani and others v. Federation of Pakistan through Secretary, Ministry of Defence and others)

Constitution Petition No. D-1658 of 2022

(Francis and others v. Federation of Pakistan through Secretary, Ministry of Defence and others)

Constitution Petition No. D-1697 of 2022

(Noman Khan and others v. Federation of Pakistan through Secretary, Ministry of Defence and others)

Constitution Petition No. D-723 of 2022

(Habib Nawaz and others v. Federation of Pakistan through Secretary, Ministry of Defence and others)

Petitioners : Through M/s. Umair Nabi, Allah Dino, Mir Warshan, Manzar Bashir and Mr. Zulfiqar Ali, Advocates

Respondents : Through Ms. Shazia Hanjrah, DAG Bibi Zainab, Associate of Malik Naeem Iqbal, Advocate for Respondent Nos.2 to 5

Date of hearing and order : 13.05.2026

ORDER

Muhammad Saleem Jessar, J.- These petitions involve a common question of law and were disposed of through common order dated 09.09.2022, which was assailed before the Hon'ble Supreme Court through CPLA No.1212-K of 2022, the Hon'ble Supreme Court of Pakistan *set aside* the order dated 09.09.2022 passed by this Court and remanded the matter back for decision afresh after hearing the parties.

2. In all these petitions, petitioners claim for the regularization and other benefits viz. a viz. equalization of pay scale, annual increment in salary, award of plots under the Plot Policy, 2008 and the service benefits available under the Employees Policy.

3. Learned DAG submitted that the relationship between the employer and employee is of *master and servant* therefore *writ* jurisdiction under Article 199 of the Constitution of Islamic of Republic of Pakistan, 1973 cannot be invoked.

4. When confronted as to the status of the Service Rules of DHA, learned counsel for the petitioner frankly conceded that the DHA employees were governed under the DHA Employees Service Policy, 2008, which was non-statutory in nature.

6. It is settled principle of law that in cases of non-statutory nature of service rules the relationship between an employer and employee is that of *master and servant*; therefore, grievance of the petitioners is not maintainable under *writ* jurisdiction of this Court.

5. For the foregoing reasons, these petitions fail and accordingly are dismissed. The petitioners may agitate their grievance before appropriate forum.

Judge
Head of Const. Benches

Judge

B-K Soomro