

ORDER SHEET

THE HIGH COURT OF SINDH, BENCH AT SUKKUR

C. P. No. D – 269 of 2025

[Aijaz Ali Mahar & another v. Province of Sindh & others]

Present:

Mr. Justice Adnan Iqbal Chaudhry

Mr. Justice Muhammad Hasan (Akber)

For Petitioners : Mr. Ghulam Ali Bozdar, Advocate,
holding brief for Mr. Achar Khan
Gabol, Advocate

For Respondents : Nemo

Date of hearing : 27.10.2026

Date of decision : 27.10.2026

ORDER

Adnan Iqbal Chaudhry J.- Mr. Ghulam Ali Bozdar, Advocate, holding brief for Mr. Achar Khan Gabol, learned counsel for petitioners, requests for an adjournment. However, on a similar request made on the last date, the Court had imposed costs of Rs.500/- on the petitioners. That cost has still not been deposited. Therefore, we are not inclined to grant any adjournment.

2. The petitioners were appointed as Family Welfare Assistants (BPS-5) in the Population Welfare Department, Government of Sindh, in the year 2011 on contract basis for a period of one year. They pray for a writ for regularization of service.

3. It is averred by the petitioners that in the year 2016-2017, their salary was stopped on the ground that they had been appointed unlawfully, in excess of the sanctioned posts. Against that, petitioner No.1 filed C. P. No. D-721 of 2017, which was disposed of on 09.02.2021 with a direction to the respondents to scrutinize his documents and decide if he merits regularization in service. The scrutiny committee came back with the finding that appointment of petitioner No.1 was unlawful as it was beyond the sanctioned strength and without following codal formalities.

4. As the matter presently stands, it appears that the petitioners are no longer in service. It has since been settled by the Hon'ble Supreme Court of Pakistan in *Khushal Khan Khattak University v. Jabran Ali Khan* (2021 SCMR 977) that continuity in service is a prerequisite condition for regularization.

5. Be that as it may, it is settled law that in the absence of a statute or Government policy requiring or enabling the employer to regularize a contract employee, no writ can issue to do so under Article 199(1)(a) of the Constitution of Pakistan. In that regard, the law laid down by the Hon'ble Supreme Court of Pakistan has already been discussed by a Full Bench of this Court in *Muhammad Arif v. Federation of Pakistan*, 2025 PLC (C.S) 93 as follows:

“26. It is settled law that for a writ to issue under Article 199(1)(a) of the Constitution the petitioner has to establish that he is guaranteed a fundamental or legal right, as the object of the Article is the enforcement of a legal right and not the establishment of a legal right. The precedents binding us categorically hold that in the absence of a specific provision in the contract, or a law providing for regularization, contract employees do not have a vested right for regular appointment solely for long and satisfactory contractual service; and that, while exercising jurisdiction under Article 199 of the Constitution the High Court cannot extend the scope of a contract or alter the terms and conditions of employment in favour of the employee. These are pronouncements of the Supreme Court in *Muzaffar Khan v. Government of Pakistan* (2013 SCMR 304); *Government of Khyber Pakhtunkhwa, Workers Welfare Board v. Raheel Ali Gohar* (2020 SCMR 2068); *Owais Shams Durrani v. Vice-Chancellor Bacha Khan University* (2020 SCMR 1041); *Sui Southern Gas Company Ltd. v. Zeeshan Usmani* (2021 SCMR 609); *Government of Khyber Pakhtunkhwa v. Saeed ul Hasan* (2021 SCMR 1376); *Khushal Khan Khattak University v. Jabran Ali Khan* (2021 SCMR 977); *Pakistan Telecommunication Company Ltd. v. Muhammad Samiullah* (2021 SCMR 998); *Government of Khyber Pakhtunkhwa v. Sher Aman* (2022 SCMR 406); *Deputy Director Finance & Administration FATA v. Dr. Lal Marjan* (2022 SCMR 566); and *Vice Chancellor Agricultural University, Peshawar v. Muhammad Shafiq*. The ratio decidendi of these precedents is that absent a statutory basis for regularization, an employee has no fundamental or vested right to regularization.”

Since the petition for regularization is not premised on any statute or Government policy to that effect, the petition is **dismissed** as not maintainable.

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