

**ORDER SHEET**

**THE HIGH COURT OF SINDH, BENCH AT SUKKUR**

**C. P. No. D – 582 of 2026**

**[Shahid Hussain Arain & others v. Province of Sindh & others]**

**Present:**

Mr. Justice Adnan Iqbal Chaudhry

Mr. Justice Muhammad Hasan (Akber)

For Petitioners : Mr. Nazeer Ahmed, Advocate, holding  
brief for Syed Jaffar Ali Shah, Advocate

For Respondents : Mr. Israr Ahmed Shah, Assistant  
Advocate General Sindh

Date of hearing : 27.10.2026

Date of decision : 27.10.2026

**JUDGMENT**

**Adnan Iqbal Chaudhry J.-** The Petitioners (137 in number) claim to be serving the Directorate of On-Farm Water Management, Sindh Irrigated Agriculture Productivity Enhancement Project (SIAPPEP) as Rodman (BPS-1) on contract. They state that their salary was stopped one year ago. The prayer is for resumption of salary, and primarily, for a writ to regularize their service in the said department.

2. The office orders appointing the Petitioners were issued in the year 2021-2022, which categorically stating that they were being engaged only on contingency basis for a period of 89 days, whereafter their engagement would be subject to a fresh approval. The Petitioners do not demonstrate that their contracts were further extended. In such circumstances, we are not inclined to pass any order with regards to the Petitioners' salary. As held by the Supreme Court in *Province of Punjab v. Prof. Dr. Javed Iqbal* (2022 SCMR 897) and *Khushal Khan Khattak University v. Jabran Ali Khan* (2021 SCMR 977), while exercising constitutional jurisdiction the High Court cannot revive or renew expired contracts or alter the terms and conditions of an employee's contract.

3. As regards the prayer for regularization of service, even if the Petitioners' employment contracts had been renewed, it is by now settled law that in the absence of a statute or express Government policy requiring or enabling the employer to regularize daily-wage or contingency/contract employees, no writ can issue to do so under Article

199(1)(a) of the Constitution. The binding precedents of the Hon'ble Supreme Court holding so were discussed by the Full Bench of this Court in *Muhammad Arif v. Federation of Pakistan*, 2025 PLC (C.S) 93, wherein it was observed 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.”

4. Therefore, in the absence of a statute or Government policy applicable to the Respondents requiring or enabling them to regularize the Petitioners, no writ can issue to do so under Article 199(1)(a) of the Constitution. The prayer for regularization is not maintainable.

5. In view of the foregoing, the petition is dismissed. Applications by intervenors become infructuous.

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