

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**C.P. No.D-1642 of 2014**

<b>Date</b>	<b>Order with signature of Judge</b>
	<b><u>Present</u></b> <b>Mr. Justice Muhammad Ali Mazhar</b> <b>Mr. Justice Arshad Hussain Khan</b>
Muhammad Waqar & others .....	Petitioners

V E R S U S

The Federation of Pakistan & another..... Respondents

**Date of hearing 05.10.2016**

Mr. Imdad Ali advocate for the petitioners.

Shaikh Liaqat Hussain Standing Counsel.

Ali Asghar, Deputy Director Admin, Council for Works and Housing Research, Karachi and Syed Aamir Ali, Senior Research Officer, Council for Works and Housing Research

-----

**Muhammad Ali Mazhar, J:** All the petitioners are already performing their duties in the Council for Works and Housing Research under the control of Respondent No.1. They have approached this Court for directions against the Respondents to regularize them from initial date of their appointment in terms of Regularization Policy of Government of Pakistan.

2. The Respondent No.1 has filed the comments through Deputy Secretary Admin, Ministry of Science of Technology in which it is stated that services of the petitioners were hired on contract/daily wages basis between the period 2009 to 2012 and according to the Government Policy as notified by Cabinet Secretariat, Establishment Division, Islamabad vide O.M. No. 10/30/2008-R-II dated 29.08.2008 only those employees who were working on contract basis against the posts in BS-1 to B.S-15 in Federal Ministries/Divisions/Attached Departments appointed prior to the decision of cabinet dated 04.06.2008 may be regularized. They have also attached a copy of Notification dated 02.04.2015, whereby, a Committee was

constituted for considering the case of regularization of the Federal Government Employees in terms of Islamabad High Court's order. Since office memorandum dated 29.08.2008 is also attached which has been referred to in the Notification dated 02.04.2015 in which the cutoff date for regularizing the employees was 30.06.2008, therefore, the department has shown some reservation for regularization of the petitioners' services. However, the petitioners have also attached an office order dated 02.08.2011 issued by Section Officer, Coordination, Ministry of Science and Technology, Government of Pakistan to the Chairman, Council for Works and Housing Research (Respondent No.2) in which it is stated in para-2 as under:-

2. A meeting of Cabinet sub-Committee was held on 29.06.2011 to consider the cases of contract and daily wages employees to regularize their services. The criteria is as under for regularization of the service:-

- c. Contract employees who have completed one year satisfactory service on 30.4.2011
- d. Daily wages employees who have completed 3 consecutive appointments of 89 days each.

3. After some discussion, the committee through above Notification regularized the services of at least 11 employees of Council for Works and Housing Research (Respondent No.2). Another Notification of Council for Works and Housing Research (Respondent No.2) dated 12.04.2013 is also attached which was issued by their Chairperson to the Section Officer in which 11 different posts are mentioned with their Basic Pay Scale and number of posts to be created with nature of post. The Respondent No.2 in this letter also referred to the meeting of the Cabinet Sub-Committee on contract basis/daily wages employees in the Ministries/Divisions/Attached Department/Autonomous Bodies/Autonomous etc. One more similar Notification issued by Section Officer, Ministry of Science and Technology is available at page 61 which was issued on 16.08.2012 and in this letter also the decision of Cabinet

Committee for regularization of contract employees is mentioned. After going through all these Notifications and other relevant documents, there is no cavil to the present position that in the year 2011-2012 and even in the year 2013, the Respondent No.2 continued its regularization process but in the comments they have only referred to the Notification issued with the cutoff date of 2008 to deprive the petitioners from the right of their regularization. To some extent, we feel discriminatory treatment with the petitioners. It is also admitted fact that they are performing their duties according to the comments filed by Respondent No.1 since 2009 and after every 89 days they were allowed extension. Even this fact has been admitted in the comments of Respondent No.2 in para-11 that juniors to petitioners have been regularized by the Respondent No.1 but the petitioners were not given the same treatment which shows that Respondent No.2 has also some sympathy with its employees. Learned Standing Counsel as well as representative of the Respondent No.2 present in court also proposed that they will prepare the list of petitioners and forward it to the Respondent No.1 for regularization of their services within a period of 15 days in accordance with law.

4. As a result of above discussion, this petition is disposed of with the directions to the Respondent No.2 to forward the names of the petitioners to the Respondent No.1 for regularization within fifteen (15) days. So far as eligibility to any particular post is concerned, this will be decided by the Respondent No.2 in its recommendation. After receiving the recommendation for regularization by the Respondent No.2, the Respondent No.1 shall decide the matter of regularization petitioners' services within a period of forty five (45) days. Copy of this order be transmitted to the learned Standing Counsel.

JUDGE

JUDGE