

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**C.P.No.D-6439 of 2016**

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**Date**

**Order with signature of Judge**  
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**Present:**

**Mr.Justice Muhammad Ali Mazhar**  
**Mr.Justice Adnan-ul-Karim Memon**

Abdul Qadoos Shaikh & others.....Petitioners

V E R S U S

Province of Sindh & others.....Respondents

**Date of hearing: 21.12.2016**

Mr. Irshad Ali Bhatti, Advocate for Petitioners.  
Mr. Abdul Jalil Zubedi, A.A.G.

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**Muhammad Ali Mazhar, J:** The case of the petitioners is that in the terms of advertisement published for the post of various Family & Welfare Workers, Helper etc. in Population Welfare Department, Sindh the petitioners applied and complied with all requisite formalities thereafter the offer letters were issued to them. Initially they were appointed on contract basis in the year 2009 to 2012 but their contractual engagement extended from time to time. The petitioners have also attached the copies of their salary slips issued in the month of September, 2016. The learned counsel for the petitioners argued that all the petitioners are employed below BPS-10 and despite their request their cases have not been considered for regularization. They have further pointed out an advertisement available at page 101 published on 13.11.2016 in the newspaper inviting applications for various jobs. The learned counsel argued that instead of considering first the regularization of contract employees, the posts have been advertised for outside recruitment. It was further contended that after promulgation of Sindh (Regularization of Adhoc and

Contract Employees) Act, 2013 they have legitimate expectation that their cases be considered in terms of Section 3 of the aforesaid Act.

2. No comments have been filed by the respondents. The learned A.A.G. submits that he is not aware whether the Scrutiny Committee is still in force or not and he requested for some time.

3. It is an admitted fact that the petitioners are performing their duties on contract basis and the aforesaid 2013 Act is in force, therefore, they are entitled to be considered in terms of the Section 3 of the Act. However, for the purpose of considering their eligibility, the Government has already constituted the Scrutiny Committees where the cases of the petitioners may be sent for the consideration as we have already decided in the case of **Dr. Iqbal Jan & others v. Province of Sindh & others reported in 2014 PLC (C.S.) 1153.**

4. In view of the above, this petition is disposed of with the directions to the respondents to prepare the working paper of the petitioners and forward the same to the concerned Scrutiny Committee so that their cases may be considered for regularization. This exercise shall be completed within two (02) months. The petitioners are already performing duties on contract basis, therefore, their contract may not be terminated till this exercise is completed. Pending application is also disposed of.

Judge

Judge

Asif