

Order Sheet  
**IN THE HIGH COURT OF SINDH,**  
CIRCUIT COURT, HYDERABAD

CP No. D- 1343 of 2013

**Present:-**

**Mr. Justice Nadeem Akhtar**

**Mr. Justice Adnan-ul-Karim Memon**

Date of hearing:  
& decision:

27.11.2019

Petitioner:

Nek Muhammad through  
Mian Taj Muhammad Keerio, advocate

Respondents:

WAPDA and others through Mr. Muhammad  
Idrees Naqishbandi, advocate

**ORDER**

**ADNAN-UL-KARIM MEMON, J:-** Through this petition, the petitioner is seeking reinstatement of his service as Security Guard BPS-06 with all back benefits.

2. The case of petitioner is that on 22.1.2009 he was appointed as Security Guard BPS-06 in National Transmission and Dispatch Company Limited (NTDC) on contract basis for one year which was subsequently extended from time to time. He moved an application for regularization of services but were not regularized; that on 21.5.2011 he was served with explanation from remaining absent from duty, thereafter he was relived from duty to report at Deputy Manager 500KV Grid Station NTDC Peshawar vide letter dated 16.12.2011. Finally his contractual period was expired was not extended vide letter dated 21.6.2012 due to unsatisfactory work and conduct. Feeling aggrieved by and dissatisfied with the punitive order, he filed departmental appeal which was rejected on 14.06.2013, hence he has filed the instant petition.

3. Upon notice, Respondent-company filed para-wise comments and denied the allegations on the premise that the petitioner due to misconduct, disrespecting, fighting and using abusive language with his superiors and security supervisor has disturbed the decorum of the office and also effected the administration, hence proceedings were initiated against him and his services were terminated.

4. Mian Taj Muhammad Keerio, learned counsel for the Petitioner has contended that the Termination Order dated 21.6.2012 issued by Respondent-company is in gross violation of law; that the

Petitioner had illegally been removed from service upon false allegations and by stigmatizing his personality; that the Petitioner has been condemned unheard and removed from service without holding proper inquiry into the allegations leveled against him which is unwarranted under the law; that the act of Respondent-company is based upon malafide intention and personal grudge; that the Petitioner though appointed on contract basis, is entitled to a fair opportunity of hearing in terms of Article 4, 10-A and 25 of the Constitution of Islamic Republic of Pakistan 1973; that this Court has jurisdiction to interfere in the matters involving denial of rights of citizens of this Country by the State Functionaries. He has further contended that if the Termination Order conveys a message of a stigma, the employ cannot be ousted from service without resorting the procedure as provided under the law but in the matter of the Petitioner, no procedure was adopted and before removing him from the employment; that it is a trite law that even if a person is to be condemned for the misconduct and even if he is employed on contract basis or probation, he is entitled to fair trial and an opportunity should be provided to him to clear his position but in the instant matter not only the Petitioner was condemned unheard but on the basis of his earlier stigmatized removal had rendered and disintitiled him for any service; that the Petitioner had been punished for raising voice against the corrupt practices, corruption and misuse of powers being practiced by the Officials within Respondent-company due to which he had been terminated; that the Respondent-company cannot be allowed to punish its employees for the illegal acts of its own. He lastly prays for allowing the instant Petition.

5. We have heard learned counsel for the parties and perused the material available on record.

6. We have perused the Appointment Order dated 22.1.2009 of Petitioner, which is a contractual appointment for a period of one year. Record does not reflect that the service of the Petitioner was regularized by the Respondent-company. We are of the view that such appointment stood terminated on the expiry of contract period or on any extended period at the choice of Employer or Appointing Authority. The case of the Petitioner is governed by the principle of Master and Servant, therefore, the Petitioner does not have any vested right to seek reinstatement in service. It is well

settled law that contract employee cannot claim any vested right, even for regularization of service.

7. Reverting to the claim of the Petitioner that he has been condemned unheard; record reflects that though the Petitioner was temporary employee, he was issued explanation/Show Cause Notice, which was replied by him. At this juncture, learned counsel for the Respondent-company has stated at the bar that Petitioner was heard before passing the impugned order.

8. In view of the above provisions of law a Show Cause can be issued to the employee of respondent-company, who is holding a permanent post, whereas the record does not reflect that the Petitioner was permanent employee of Respondent-company, therefore in our view the Petitioner cannot claim vested right to be reinstated in service. It is well settled law that the service of temporary employee can be terminated on 14 days' notice or pay in lieu thereof. The Respondent-company has no ostensible reason to put false allegations against the petitioner.

9. In the present case, there is no material placed before us to show that the Impugned Order has been wrongly issued by Respondent-company.

10. The Petitioner has failed to establish that he has any fundamental/ vested right to remain on the temporary /contractual post. Therefore, the argument of the learned Counsel for the Petitioner that he was not heard before issuance of Impugned Order dated 21.6.2012 is not tenable in the eyes of law. Reliance is safely placed upon the case of Qazi Munir Ahmed vs. Rawalpindi Medical College and others (2019 SCMR 648).

11. In view of the foregoing, the Constitutional Petition in hand is not maintainable, hence, is dismissed with no order as to costs.

JUDGE

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