

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

CP No. D- 2382 of 2013

**BEFORE :**

Mr. Justice Adnan-ul-Karim Memon  
Mr. Justice Adnan Iqbal Chaudhry

Date of hearing  
& decision:

21.10.2019

Petitioners:

Attaullah and others through Mr. Meer Ahmed Mangrio, Advocate.

Respondent 1:

Federal Secretary WAPDA and others through Mr. Ashfaq Nabi Qazi, Assistant Attorney General

Respondents 2&3:

Chief Executive Officer GENCO and Manager (HR/Administration) Lakhra Power House Jamshoro through Mr. Muhammad Arshad S. Pathan, Advocate.

**ORDER**

**ADNAN-UL-KARIM MEMON, J:-** Petitioners have approached this Court for regularization of their service in respondent Generation Company (GENCO) based on their length of service. They have alleged that their cases were not put up before the competent authority; and, without assigning valid and cogent reasons, scantily and vaguely did not consider their cases for regularization which action is impugned through the captioned petition before this Court.

2. Mr. Meer Ahmed Mangrio, learned counsel for the petitioners, has conceded that the petitioners were appointed on contingency in the year 1993 and subsequent years; that during pendency of this petition, their services were dispensed with by the respondents; that they fulfill the criteria and are qualified for the job; and, they had been working to the satisfaction of the respondent-GENCO. He emphasized that Lakhra Power House Jamshoro has been converted into non-development and their case falls within the ambit of constant policy of Federal government to regularize the services of contractual employees working in different projects of

government and because of their qualification and performance they have the legitimate expectancy of being regularized; and, the respondents are violating the fundamental rights of the petitioners. He lastly prayed for allowing the instant petition by giving similar treatment / benefits as given in the cases of Pir Imran Sajid and others v. Managing Director / Regional Manager (Manager Finance) Telephone Industries of Pakistan (2015 SCMR 1257), M/s. State Oil Company Limited v. Bakht Siddique and others (2018 SCMR 1181), Board of Intermediate and Secondary Education, D.G. Khan and another v. Muhammad Altaf and others (2018 SCMR 325), Abdul Ghafoor and others v. The President of National Bank of Pakistan and others (2018 SCMR 157), Dr.Tahir Siddique v. Government of Punjab and 3 others (2018 PLC CS 726), Secretary Government of Punjab v. Muhammad Ismail (2018 PLC Note 1), Salahuddin and 10 others v. Government of Khyber Pakhtunkhwa and others (2018 PLC CS Note 78) & Muhammad Sulleman Khan v. Federation of Pakistan through Secretary and 2 others (2018 PLC CS 535).

3. We have heard learned counsel for the parties and carefully examined the record and the case-law cited at bar.

4. Admittedly, the petitioners have not initially been appointed openly and transparently, therefore, no vested right concerning regularization of their service can be claimed.

5. The decision of Hon'ble Supreme Court of Pakistan cited by him is altogether on different subject on the premise that the names of candidates were specifically recommended for regularization by the Cabinet, whereas in the subject matter there is no directive of the Cabinet. Prima-facie they do not fulfill the criteria and eligibility for regularization of their job.

6. It is well settled now that regularization of the services of the petitioners on the premise that regularization is always subject to availability of post and fulfillment of recruitment criteria, apparently the petitioners have not initially been appointed openly and transparently through the prescribed competitive process as the vacancies were not advertised in the newspaper. Besides, they have already left their respective jobs long ago. Even otherwise it is well-settled law that a contract / contingency employee is debarred from approaching this Court in constitutional jurisdiction, in the light of the law laid down by the Hon'ble Supreme Court of Pakistan in the

case of *Qazi Munir Ahmed versus Rawalpindi Medical College and Allied Hospital and others*, **2019 SCMR 648**.

7. The petitioners, in our view, have failed to make out their case for regularization of their services as their case is neither covered under any law nor falls within the ambit of Policy of the Government of Pakistan, therefore, the instant petition is hereby dismissed along with pending application(s) with no order as to costs.

JUDGE

JUDGE

Karar\_hussain/PS\*