

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D - 2416 of 2013
C. P. No. D - 2900 of 2013

Before:

Mr. Justice Muhammad Junaid Ghaffar
Mr. Justice Zulfiqar Ali Sangi

Date of Hearing: **02-11-2021**
Date of Decision: **02-11-2021**

Mr. Abdul Waheed Bhanbhro, Associate of Mr. Nisar Ahmed Bhanbhro, Advocate for Petitioners in C.P.No.D-2416 of 2013

Mr. Aamir Mustafa Kamario, Associate of Mr. Qurban Ali Malano, Advocate for Petitioner in C.P.No.D-2900 of 2013.

Mr. Shahriyar I.Awan, Assistant A.G-Sindh.

ORDER

Muhammad Junaid Ghaffar, J. – Through both these Petitions, the Petitioners seek regularization of their services from the date of appointment.

2. Counsel for the Petitioner in C.P.No. D- 2900 of 2013 submits that the Petitioner was appointed on 24.02.2010 as contingent paid staff from 01.03.2010 to 30.06.2010 and on 20.09.2011, period was extended for further six months up to 31.03.2012 and therefore the Petitioner is entitled for regularization. He has also relied upon an order dated 14.05.2013, passed in C.P.No.D-2804 of 2012 at Sukkur Bench.

3. As to C.P.No.D-2416 of 2013 is concerned, same prayer has been made and it is stated that the Petitioners were appointed from 1999 till 2009 on various dates and were never regularized; whereas in view of the judgments reported as *Ms.Najaf Haider v. Federation of Pakistan and others* **(2012 PLC (C.S.) 1220)**, *Dr. Iqbal Jan and others v. Province of Sindh and others* **(2014 PLC (C.S.) 1153)**, *Government of Khyber Pakhtunkhwa v. Adnanullah* **(2016 SCMR 1375)**, *Javed Mahmood v. Government of Pakistan and others* **(2014 PLC (C.S.) 562)**, *Muhammad Tanveer v. Government of Pakistan and others* **(2012 PLC (C.S.) 807)**, they are also entitled for their regularization.

4. We have heard learned Counsel for the Petitioners as well as learned Assistant Advocate General and perused the record.

5. As to the Petitioner in C.P.No. D-2900 of 2013 is concerned, reliance is placed on an order dated 14.05.2013, passed by this Bench. On perusal of the same, it reflects that the facts in that case were entirely different and not applicable to the present case of the Petitioner as the Petitioner was a contingent paid staff and was on temporary employment; hence no case of regularization is made out.

6. As to the Petitioners in C.P.No.D-2416 of 2013 are concerned, it may be noted that as per contents of Petition, they were appointed for some Foreign Aided Special Project from time to time and once the project was completed, they were relieved. The law in this regard is settled that such project employees are not entitled for any regularization after completion of the project. In our opinion, in so far as it relates to contract employees of the project, it is the prerogative of the project management to determine which employees are required for the extended period and stage of the project for effective implementation of the same. No vested right exists in favour of a particular employee to insist that the management should be directed to retain his services and extend his contract¹. Reliance may also be placed on the case of Government of Khyber Pakhtunkhwa v Shahzad Iqbal (2021 SCMR 673)

7. In view of the above, no case for indulgence is made out and accordingly both these Petitions being misconceived are hereby dismissed.

J U D G E

J U D G E

Ahmad

¹ Province of Punjab v Muhammad Asif & Others (2020 SCMR 507)