

IN THE HIGH COURT OF SINDH, SUKKUR BENCH, SUKKUR
C.P No.D-2982 of 2012

Petitioners: Habibullah and others, through
Mr. Iftikhar Ali Arain, Advocate.

Respondents No.1 to 5: Through Mr. Shaharyar Awan
Assistant Advocate General.

Date of hearing: 21.12.2021
Date of decision: 21.12.2021

ORDER

Muhammad Juaid Ghaffar, J: Through this petition, the Petitioners seek release of salaries as well as regularization of their services.

2. It appears that on identical facts in CP No.180 of 2013 vide order dated 9.12.2013, we have passed an order whereby the petition was dismissed. The relevant part of the said order reads as under;

4. We have heard learned Counsel for the Petitioners as well as learned AAG and perused the record.

5. Insofar as the Petitioners' appointment is concerned, the same is detailed in para-2 of the petition, which reflects that they were appointed between the period 1989 to 1998, whereas, such appointments were admittedly on work charge basis with the condition that it is purely temporary in nature and their services can be terminated even without notice. In the comments it has been stated along with documents that the petitioners stand terminated way back in the year 2008; hence, no question of regularization without first being reinstated arises. To this there is no rejoinder by the Petitioners, whereas, after being terminated apparently this petition has been filed in the year, 2013 and as per the Respondents' comments, they are not in service since long. This is a disputed fact, which cannot be resolved in these petitions as no supporting document has been placed on record to substantiate the Petitioners' claim that at least at the time of filing of these petitions, they were in service.

6. We may observe that it is settled law that any employee whose contract or period of employment stands expired or who is no longer in employment cannot approach the Court after expiry of such contract or period with a claim that his services be regularized. Though in exceptional cases when the employment is continuous in nature and even if it is on work charge bases or involves renewal of contracts of shorter periods, Courts have granted relief by ordering regularization; however, facts of this case are different. As to discrimination being meted out to the Petitioners and reliance on the above order(s) of the Court is concerned, on perusal, it

reflects that in that case facts were entirely different; hence, not applicable to the case of the petitioners.

7. In view of hereinabove facts and circumstances of this case, since the petitioners were terminated in 2008, whereas, they came before this Court in 2013 and that too only for regularization without any prayer for re-instatement, which even otherwise could not have been granted in our Constitutional jurisdiction, therefore, no case is made out. Petition is hereby dismissed.

3. Since identical facts are involved, therefore, this petition also stands dismissed for the reasons so assigned as above.

JUDGE

JUDGE