

IN THE HIGH COURT OF SINDH, KARACHI

CP. No. D- 1415 of 2015
CP. No. D- 1820 of 2015

Date Order with Signature(s) of Judge(s)

CP. No. D- 1415 of 2015

For direction

For hearing of CMA No.784 of 2019 (Contempt)

CP. No. D- 1820 of 2015

For direction

1. For order on CMA No.27606 of 2019
2. For hearing of CMA No.786 of 2019

21.01.2022

Mr. Faizan Hussain Memon, advocate for the petitioners
Syed Abrar Ahmed Bukhari, advocate for petitioner No.9
Mr. Ali Safdar Depar, AAG

The Petition bearing No. 1820 of 2015 was disposed of vide order dated 19.10.2016 with the observation that the respondent No.2 to forward the names of petitioners to the Chief Secretary, Government of Sindh, so that their cases may be sent for consideration to the Scrutiny Committee constituted to deal with the cases of regularization under the Act, 2013. The petition bearing No. 1415 of 2015 was disposed of in terms of paragraph 4 of the aforesaid order dated 19.10.2016 with the following observations:-

“As a result of above discussion, this petition is disposed of in terms of paragraph-4 of the order dated 19.10.2016 passed by this Court in C.P. No. 1820 of 2015. One Miscellaneous Application No. 10294 of 2015 is also fixed under Order 1 rule 10 C.P.C filed by Mr. Malik Naeem Iqbal but learned counsel submits that at present he does not want to press this application and submits that the intervener will avail appropriate remedy in accordance with the law. The C.M.A No. 10249 of 2015 is dismissed as not pressed, accordingly.

Copy of this order may be transmitted to the learned A.A.G.”

This Court vide order dated 25.04.2018 disposed of the Contempt Application filed by the applicants in both the petitions with the following observation:-

“As per report furnished by respondent No.2 / Automation of Stamps and Registration Board, cases of Ghulam Ali, Zahid Hussain Chandio and Suhail Ahmed were examined and were found to be correct, authentic and are accordance with law. The principal Secretary to the Chief Minister is directed to expedite the matter of the above-named petitioners so that they could be regularized in accordance with law. However, so far as the cases of 4 persons, namely Noman Khan, Singhar Ali, Umer Din and Kamran Anwar are concerned their documents were found to be fake and forged. The department is at liberty to initiate action against them in accordance with law. So far as the case of the Mehboob Alam is concerned, the department is directed to process the same within a period of one month. With these directions the instant contempt application is disposed of.”

Petitioners have filed instant applications under Section 3 & 4 of the Contempt of Court Ordinance 2003 (CMA No.784 of 2019 & CMA No.786 of 2019) for initiation of contempt proceedings against the alleged contemnors on account of their willful, intentional and deliberate act of disobeying the above-mentioned order passed by this Court.

Learned AAG has refuted the claim of the petitioners by referring the order dated 20.10.2020 passed by the Senior Member Board of Revenue Sindh and submitted that in compliance of the order of this Court following employees of the project "Automation of Stamps & Registration" have been regularized under the "Sindh (Regularization of Adhoc & Contract Employees) Act, 2013:

| S.No. | Name of Employee | Father Name | Designation | B.P.S |
|-------|----------------------|-----------------------|---------------------------|-------|
| 01 | Sardar Ahmed Solangi | Hafiz Mohammad Achar | Data Processing Assistant | 14 |
| 02 | Navaid Rehman | Abdul Rehman | Data Processing Assistant | 14 |
| 03 | Mohammed Azam | Adyal Khan | Driver | 04 |
| 04 | Khadim Hussain | Muhammad Ayub | Driver | 04 |
| 05 | Mujeeb-u-Rehman | Mohammad Ayub Leghari | Naib Qasid | 02 |
| 06 | Shehbaz | Shah Zaman | Naib Qasid | 02 |

When confronted with the aforesaid position of the case, the learned counsel for the petitioners in both the petitions have submitted that they have been regularized in the project which is not permissible under the law and no effect of the Act-2013 has been given to the petitioners, their salary and other perks and privileges have not been set at naught, therefore, this purported regularization is against the basic spirit of law, thus they may be directed to regularize the services of the remaining petitioners in accordance with the directions passed by this Court from time to time.

We have scrutinized the compliance report submitted on behalf of the alleged contemnors; prima-facie the explanation offered by the respondents is tenable under the law. So far as their salary for the last few months is concerned, the respondents have already ensured vide order dated 11.3.2021 that the same shall be paid to them. Let them do so within one week, however, on the other points as discussed supra, no case for contempt is made out. The listed applications are dismissed.

JUDGE

JUDGE