

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

C. P. No. D – 145 of 2015

Before:

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

Date of hearing: 29-09-2021

Date of decision: 29-09-2021

Mr. Nisar Ahmed Bhanbhbro, Advocate for the Petitioners.
Mr. Zulfiqar Ali Naich, Assistant Advocate General Sindh.

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ORDER

Muhammad Junaid Ghaffar, J. – Through this Petition, the Petitioners have sought the following relief(s):

- a) *To declare the acts of Respondents of withholding the monthly salaries of petitioners as illegal, without any lawful authority, null and void, and having no legal sanctity in the eyes of law.*
- b) *To direct the Respondents to release the monthly salaries of petitioners without any delay and pay the future salaries regularly.*
- c) *To direct the Respondents to regularize the services of the petitioners.*
- d) *To restrain the respondents from taking any adverse action against the petitioners, viz. the removal from service till the final disposal of this petition.*
- e) *To grant any other relief deemed fit and proper under the circumstances of case.*

2. Learned Counsel for the Petitioners submits that the Petitioners were appointed on 14-01-1990 and 02-08-1995, respectively, on work charge basis, and thereafter, despite serving for a very long period, they were not regularized, whereas, in somewhat similar circumstances, this Court has given directions to the respondents to consider the case of the petitioners vide order dated 21-10-2014 passed in C. P. No. D-1620 of 2011, therefore, similar directions be passed in case of the present Petitioners. In support, he has placed reliance upon the case reported as Gul Muhammad v

Province of Sindh [2010 PLC (CS) 1169], Abdul Rehman v National Bank of Pakistan [2011 PLC (CS) 234], Saidan Shah v PTCL (2017 PLC 162), Mst. Saima Malik v Ministry of Capital Administration and Development [2018 PLC (CS) 186] and Ghulam Muhammad & others v. Province of Sindh & others (SBLR 2011 Sindh 389).

3. On the other hand, learned AAG has opposed this Petition on the ground that the Petitioners were project employees for a specific purpose and worked in Nara Lift, Irrigation Sub-Division, hence, no case for regularization is made out as they are no more required for the subject project. In support, he has relied upon the cases reported as Anjum Badar v Province of Sindh (PLD 2021 Sindh 328)

4. There is no denying of the fact that the Petitioners were appointed on work charge basis on 14-01-1990 and 02-08-1995, respectively and the said appointment was for a specific period; purpose and project which stands completed. It has been stated by the Respondents in their comments that after completion of the scheme, the Petitioners were relieved, and therefore, they cannot be regularized. It has been further reflected from the comments of Respondents No.1, 2, 3 and 4 that they were never employed with their departments including Nara Canal Division, Khairpur @ Sukkur, and therefore, even otherwise, we do not see as to how this disputed fact can be decided in this Petition by this Court.

5. Be that as it may, even otherwise, it is settled law that once the contract period has been completed, no right accrues to the Petitioners to seek extension of contract or for that matter regularization. It is further settled that a person employed on daily wages or on contract basis, can be terminated even without notice and is not entitled for reinstatement through exercising constitutional jurisdiction. The only exception to this proposition

is that persons employed on contract, and such contract, being renewed on regular intervals by the government departments, can seek their regularization; however, that is only subject to, that the said persons are still under employment on contract and their contracts are being continuously renewed, but this not the case herein. The case law relied upon by the learned Counsel for the Petitioner is not relevant to the present facts in hand, inasmuch as the Courts have been inclined to direct regularization only in case wherein, the employees are still working on such contract basis which are renewed from time to time, whereas, their initial appointment is also transparent and according to law and finally, such appointments are against sanctioned vacant posts, and at the time of seeking regularization the said sanctioned posts are still available. It is only when these circumstances are present in case of a litigant that the Courts have shown leniency and have exercised the discretion in their favor, and not otherwise. We are afraid the present facts do not support the case of the petitioners.

6. In view of hereinabove facts and circumstances of this case, the Petitioners have failed to make out a case for indulgence, therefore, this Petition is hereby **dismissed**.

J U D G E

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Abdul Basit