

IN THE HIGH COURT OF SINDH KARACHI

Before :

Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Adnan-ul-Karim Memon

Constitutional Petition No.D-1785 of 2019

Majid Hussain

Petitioner: Through Mr. Abdul Wahab Baloch, advocate.

Respondent No.1: Through Mr. Yasir Shah, Assistant Attorney General

Respondent No.2 to 4: Nemo.

Date of hearing
& Decision: 10.01.2023.

ORDER

ADNAN-UL-KARIM MEMON, J. – Through this petition, the petitioner has approached this Court for regularization of his service as Construction Supervisor Mechanical in United Energy Pakistan Limited based on the strength of 05 years' service rendered in the company.

2. At the outset, we asked the learned counsel as to how this petition is maintainable against the private limited company. Mr. Abdul Wahab Baloch, learned counsel for the petitioner, has replied to the query and heavily relied upon the judgment dated 27.12.2013 passed by the Hon'ble Supreme Court of Pakistan in Human Rights Case No.3652-S of 2013 and submitted that the petitioner was appointed in the year 2012 as Construction Supervisor Mechanical in the respondent company on contract basis which period of contract was extended and continued till 31.03.2017, however, he stressed that his service still could be regularized by the respondent company on the project in the terms of ration of the judgment passed by the Hon'ble Supreme Court of Pakistan. He further submitted that the aforesaid decision is fully applicable against the Private Petroleum companies. He lastly prayed for allowing the instant petition.

3. We have gone through the case file and heard the learned counsel for the petitioner as well as the learned Assistant Attorney General on the maintainability of the instant petition. It is a well-settled law that regularization of service requires statutory backing, which factum is lacking in the matter.

4. Admittedly, the petitioner was an ex-employee of M/s. United Energy Pakistan Limited and his contract expired on 31.03.2017. It is an admitted fact that M/s. United Energy Pakistan Limited is a private petroleum company having no statutory backing and/or rules of Service, therefore, the forum chosen by the petitioner by invoking the Constitutional Jurisdiction of this Court under Article 199 of the Constitution is not proper under the law.

5. On the above proposition of law, the principle has already been settled in the case of Muhammad Ashraf and others vs. United Bank Limited and others (2015 SCMR 911).

6. Case law cited by learned counsel for the petitioner is of no help to him for the reason that the Hon'ble Supreme Court of Pakistan has provided certain guidelines to the Provincial Government and Private Petroleum Companies and this petition pertains to the regularization of the service of the petitioner in a private company, therefore, this case has no nexus with the aforesaid decision.

7. We are cognizant of the fact that this Court cannot entertain the grievance of the petitioner against a private limited company, having no backing of the law, under Article 199 of the Constitution. Consequently, the instant Petition stands dismissed in limine along with the listed applications. However, the Petitioner may avail appropriate remedy as provided to him under the law.

JUDGE

JUDGE

Nadir*