

# IN THE HIGH COURT OF SINDH AT KARACHI

Present:  
**Muhammad Junaid Ghaffar, J.**  
**Agha Faisal, J.**

C P D 4305 of 2013 : Haji Bahadur vs.  
Province of Sindh & Others

For the Petitioner : Mr. Javed Iqbal Advocate

For the Respondents : Mr. Arshad Hussain Lodhi, Advocate  
Mr. Syed Masroor Ahmed Alvi, Advocate  
Mr. Ali Safdar Depar  
Assistant Advocate General

Date/s of hearing : 12.09.2022

Date of announcement : 12.09.2022

## ORDER

**Agha Faisal, J.** The petitioner claims to have been a daily wage employee of the Government of Sindh – Board of Secondary Education, however, the entitlement has been demonstrated to be rested upon appointment given by a Joint Maintenance Committee (“Committee”) and not the Govt. itself. Notwithstanding the foregoing, the petitioner seeks regularization of service.

2. At the very onset the petitioner’s counsel was required to demonstrate that the petitioner had been employed by the Government of Sindh, however, he remained unable to do so. The letter of engagement demonstrated that it had been issued by the Committee and the documents filed today, vide statement dated 12.09.2022, corroborated the same as the copy of the cheque, attendance sheet, office note etc. also demonstrate having been issued by the Committee. The entire case articulated before us rested on the argument that the petitioner ought to be regularized on account of efflux of time.

3. Per the respondents’ counsel, the Committee is an extraneous entity intended for outsourcing maintenance etc. of certain projects / facilities and being an employee thereof does not confer any right upon the petitioner to be treated as an employee of the Government and / or to seek regularization therein.

4. Heard and perused.

5. The august Supreme Court has maintained that no claim for regularization was merited on mere efflux of time<sup>1</sup>. It has also been held that there was no vested right to seek regularization in absence of any pertinent law, rules or policy<sup>2</sup>. The Courts have deprecated the tendency of temporary employees to invoke the writ jurisdiction seeking regularization<sup>3</sup> as it has been illumined that their relationship is governed by the principles of master and servant<sup>4</sup>. The Supreme Court in *Sher Aman*<sup>5</sup> has catalogued the contemporary law pertaining to regularization and maintained that regularization requires the backing of law, rules or policy and in the absence thereof no claim in such regard ought to be entertained. The judgment in *Sher Aman* appears squarely applicable herein.

6. The petitioner's counsel has failed to demonstrate the existence of employment, albeit temporary, with the entity wherein it seeks regularization of service. Daily wagers are devoid of any generic entitlement for regularization<sup>6</sup> and the petitioner's counsel did not even endeavour to identify any specific law, rule or policy conferring any entitlement upon the petitioner to be considered for regularization<sup>7</sup>. Therefore, we are constrained to hold that the petitioner's counsel has failed to set forth any case for exercise of the discretionary<sup>8</sup> writ jurisdiction of this Court.

7. In view hereof, this petition, along with pending application/s, is hereby dismissed.

JUDGE

JUDGE

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<sup>1</sup> Per *Ijaz ul Ahsan J* in *Owais Shams Durrani vs. Vice Chancellor Bacha Khan University* reported as 2020 SCMR 2041

<sup>2</sup> Per *Ijaz ul Ahsan J* in *Khushal Khan Khattak University & Others vs. Jabran Ali Khan & Others* reported as 2021 SCMR 977

<sup>3</sup> Per *Nadeem Akhtar J* in *Anjum Badar vs. Province of Sindh & Others* reported as PLD 2021 Sindh 328.

<sup>4</sup> Per *Ijaz ul Ahsan J* in *Govt of KPK Welfare Board vs. Raheel Ali Gohar & Others* reported as 2020 SCMR 2068

<sup>5</sup> Per *Muhammad Ali Mazhar J* in *Govt of KP vs. Sher Aman & Others* reported as 2022 SCMR 406.

<sup>6</sup> Per *Ijaz ul Ahsan J* in *Govt of KPK vs. Jawad Ali & Others* reported as 2021 SCMR 185; Per *Mansoor Ali Shah J* in *Province of Punjab vs. Dr. Javed Iqbal* reported as 2021 SCMR 767; Per *Ijaz ul Ahsan J* in *Owais Shams Durrani vs. Vice Chancellor Bacha Khan University* reported as 2020 SCMR 2041; Per *Miangul Hassan Aurangzeb J* in *First Womens Bank vs. Muhammad Tayyab* reported as 2020 PLC (C.S.) 86.

<sup>7</sup> Per *Ijaz ul Ahsan J* in *Govt of KPK Welfare Board vs. Raheel Ali Gohar & Others* reported as 2020 SCMR 2068;

<sup>8</sup> Per *Ijaz Ul Ahsan J.* in *Syed Iqbal Hussain Shah Gillani vs. PBC & Others* reported as 2021 SCMR 425; *Muhammad Fiaz Khan vs. Ajmer Khan & Another* reported as 2010 SCMR 105.