

# IN THE HIGH COURT OF SINDH KARACHI

Before :

Mr. Justice Muhammad Iqbal Kalhoro

Mr. Justice Adnan-ul-Karim Memon

## Constitutional Petition No.D-3965 of 2020

**Faisal**

Petitioner: Through Syed Nadeem-ul-Haque, advocate

Respondents 1 to 3: Through Mr. Abdul Jalil Zubedi, AAG

Respondent No.4: Through Mr. Mukesh Kumar Khatri, advocate

Date of hearing  
& Decision: 03.02.2023.

## ORDER

Petitioner has approached this Court for regularization of his contingent service as Site Attendant for a fixed remuneration in the Culture, Tourism, and Antiquities Department, Government of Sindh, *inter-alia*, on the ground that he worked in the department, with effect from 2015 till 2019; thus he is entitled to regularization of his service, however, in the year 2019, his contingent services were discontinued by the department without assigning any reason. He prayed for allowing the petition.

2. Syed Nadeem-ul-Haque, learned counsel for the petitioner, has heavily relied upon the minutes of the meeting of the Provincial Cabinet held on 13.03.2013 and submitted that Provincial Cabinet had decided to regularize the contract employees who completed one year of contractual service or 3 spells of 89 days as daily wages respectively till 15.03.2013; that the petitioner had been appointed as Site Attendant on the Contingent basis by the Culture, Tourism, and Antiquities Department, Government of Sindh on 03.12.2015 and performed there till 2019; that he was working to the satisfaction of the respondent-department; the petitioner, even though his services had matured and was/is under the law entitled to be regularized, but the respondents instead of doing so, intended to discontinue his services which prompted the petitioner to file the captioned petition. He lastly prayed for allowing the instant petition with directions to the respondents to regularize his contingent services under the law.

3. We have heard learned counsel for the parties and carefully examined the record.

4. From the above-admitted position, the petitioner's appointment was not against the regular sanctioned strength of the department rather he was engaged on contingent basis, therefore no vested right could be claimed to continue with the aforesaid post after the discontinuation of his service in 2019 as admitted by the petitioner in paragraph No.13 of the memo of the petition.

5. The petitioner, in our view, has failed to make out his case for regularization of his service as his case is neither covered under any law nor falls within the ambit of Policy of the Government of Sindh, therefore, the instant petition is hereby dismissed along with the pending application(s) with no order as to costs.

**JUDGE**

**JUDGE**

Nadir\*