

*Order Sheet*  
**IN THE HIGH COURT OF SINDH KARACHI**

**Present:**

Muhammad Iqbal Kalhoro, J.  
Adnan-ul-Karim Memon, J.

**C.P No.D-3355 of 2021**

*(Muhammad Nadeem v. Federation of Pakistan and two others)*

Mr. Abdul Salam Memon along with Ms. Rabiya Javed, advocates for petitioner.

Mr. Yasir Ahmed Shah, Assistant Attorney General along with  
M/s Jahanzaib Ali Shaikh, Assistant (Admin) and Nasir Imran, Assistant (Legal).

**Date of hearing and order: 09.02.2023**

**ORDER**

**Muhammad Iqbal Kalhoro, J.** Petitioner was appointed as Data Entry Operator in a project known as Machine Readable Passport (MRP), the Government of Pakistan, on contract basis in June 2003. Subsequently, after expiry of the said project, a new project dubbed as MRP and Machine Readable Visa (MRV) Project Phase-II started. The petitioner was selected against the same post in the new project in continuation of his previous service in Phase-I vide order dated 14.09.2007. Later on, as informed, a petition was filed before the Islamabad High Court by colleagues of the petitioner working in Phase-I of the project for regularization of their service, which was allowed, and consequently their service was regularized from January 2013.

2. On the same analogy, petitioner approached authority concerned for regularization of his service, and in response, he was regularized. However, from November 2018 and not from January 2013 as was done in the case of his colleagues. Against which, he made a representation to the competent authority viz. the Director General of Immigration & Passport Machine Passport Project / respondent No.2 seeking similar treatment qua his regularization from the year 2013. But, as per learned counsel, the same has been declined on the ground that since he was an employee of MRV Phase-II, and not of Phase-I, he had to be regularized from 2018 and not from 2013.

3. The case of petitioner is that he had been continuously serving under respondent No.2 since 2003, first in MRP Phase-I and then in MRP and MRV Phase-II, without any break or pause, which fact even otherwise is reflected from his salary slip, available at page 43 of the file, showing his entry into service as on 03.06.2003. His counsel has further drawn our attention to the tentative seniority list of Data Entry Operators (BPS-11), available at page 47

and its various entries, which indicate that the employees who were appointed in 2003 like petitioner have been regularized from January 2013. Of paramount importance is entry No.120 pertaining to one Irshad Hussain whose date of appointment is mentioned as 29.10.2007, and he has been regularized since January 2013, whereas, petitioner's date of appointment has been shown as 30.07.2007, which though is factually incorrect as noted above, but in any case, if it is believed, even then it is clear that he joined the service before said person at entry 120, but has been regularized from the year 2018. Against such apparent anomaly and discrimination, nothing has been offered by learned Assistant Attorney General and M/s Jahanzaib Ali Shaikh, Assistant (Admin) and Nasir Imran, Assistant (Legal) present in Court. We too are at loss to understand as to why the petitioner has been dealt with differently than his colleagues in the matter of regularization of his service. Even if we accept that the employees who were serving in Phase-I of the project have been regularized from 2013, it would not go against the petitioner because petitioner too was appointed in 2003 and without any break and pause in his service, meanwhile, he was selected in the year 2007 to serve against the same post as Data Entry Operator in Phase-II of the project, as is evident from the letter dated 14.09.2007. Therefore, there appears to be no justification available to the competent authority to deny him the same treatment extended to his colleagues in the matter of regularization of his service.

4. In view of such facts and circumstances, we allow this petition in the terms that petitioner shall be extended similar treatment in the matter of regularization of his service, and direct the Competent Authority to revise the tentative seniority list, by regularizing the service of the petitioner from January 2013 and not from 2018 in line with the cases of his colleagues appointed in the year 2003.

5. With such observations, this petition is accordingly disposed of.

JUDGE

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