

IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS

Constitution Petition No.D-704 of 2024
(Muhammad Imran and others Vs. Province of Sindh and others)

DATE ORDER WITH SIGNATURE OF JUDGE

Before:

Adnan-ul-Karim Memon, J.

Amjad Ali Bohio, J.

Date of hearing & Order 09.09.2024

Petitioner No.1 in person

Mr. Abdul Rauf Arain, advocate for the respondent No.05

Mr. Muhammad Sharif Solangi, Assistant A.G Sindh

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ORDER

Adnan-ul-Karim Memon, J. The petitioners, who were appointed on a daily wage basis in the Public Health Engineering department of the Municipal Committee Mirpurkhas in 2008, are seeking regularization of their service. They submit that they are paid less than their colleagues, receiving only Rs. 400 per day compared to the Rs. 625 per day their colleagues earn.

2. Petitioner No.1 present in person submits that petitioners have been working for 16 years on daily wages; that their salary is low compared to others doing similar work; that multiple requests for regularization and salary increase were ignored; that government policy directs regularization after 5 years of continuous service. He prayed for allowing the petition.

3. learned AAG has submitted that the petition is purely administrative and entirely pertains to the Local Government Department, which is the concerned administrative department for all Local Councils in Sindh. The Finance Department (Respondent No.03) is not involved in the regularization of daily wage workers. Its sole responsibility is to release 100% of the monthly OZT share to all Local Councils in Sindh, including Municipal Committee Mirpurkhas. The monthly share of MC, Mirpurkhas is Rs. 48.247 million per month for payment of salary, non-salary, and development expenditures. Furthermore, the Finance Department has already issued instructions to all Local Councils in Sindh to adopt financial

discipline by prioritizing the payment of salary/pension from the funds released by the Finance Department.

4. We have heard the learned counsel for the parties present in court and perused the material available on record. According to the petition, the petitioners have been working in the Municipal Committee Mirpurkhas since 2008 on a daily wage basis in the water supply scheme Mirpurkhas, but their services have not been regularized in the Department.

5. The Sindh (Regularization of Adhoc and Contract Employees) Act, 2013 was enacted to regularize the services of certain categories of employees appointed on adhoc and contract basis in Sindh. The Act defines "employee" as a person appointed to a post on adhoc and contract basis, excluding daily wages and work-charge employees. Section 3 of the Act outlines the specific categories of employees eligible for regularization. The law states that contract and adhoc employees working in government departments and projects in the province before the 2013 Act became effective should be considered as regular employees. However, despite this clear provision, the service of the petitioners has not been taken on a regular budget, which is apathy. This court emphasizes the importance of legal equality, the protection of individual rights, and the accountability of public officials. Therefore this matter is remitted to the Secretary Local Government Department to consider the candidatures of the petitioners under the policy decision within two weeks after providing a hearing to them. However, if the respondents have any concerns about the petitioners' qualifications or fitness, they can take appropriate action, but this must be done under the law.

6. This petition stands disposed of.

JUDGE

JUDGE