IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Constitutional Petition No. D- 458, 644, 1002,
1394, 2023, 2040, 2489 of 2011,
and 70, 319 of 2012.

Present:
Mr. Justice Syed Hassan Azhar Rizvi.
Mr. Justice Salahuddin Panhwar.

Shabir Ali Mangerio & others. .....Petitioners.

Versus

Province of Sindh,
& others. .....Respondents.

Mr. Ahmed Hussain Khoso, Advocate for petitioners in C.P. No. D- 458 of 2011.
Mr. Noorullah Gulshan Khan Rind, Advocate for petitioners in rest of petitions.
Mr. Azizul Haq Solangi, Asstt. A.G. for respondents.

Date of hearing: 30.08.2012.
Date of Judgment: 30.08.2012.

J U D G M E N T

Syed Hassan Azhar Rizvi, J-. Since the same point is involved in all these petitions, therefore, by our common order, we are disposing of these petitions, which have been filed by the menial staff working on contingency basis since 2006, in Revenue Department, with the prayer to direct the respondents to regularize their appointments according to the prevailing policy of the government. According to the learned counsel for the petitioners some of the petitioners have already been regularized by the respondents but due to discriminatory action against remaining petitioners they are not regularized. Learned Counsel for petitioners has already enclosed with memo of petitions orders passed by different Division Benches of this Court, which are available as annexure-G, at page 57. Order passed in C.P. No.D-448/2009; Order passed on 11.3.2010 in C.P. No. D- 1194/2009, Order passed on 25.5.2010 in C.P. No. D-994/2009, Order passed on 02.6.2010 in C.P. No. D-

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424/2010, whereby the same relief was awarded to the petitioners in those petitions which has been sought in present petitions. Orders passed in C.P. No.D-994/2009, and C.P. No.D-424/2010, referred to above were challenged before the Apex Court by the respondents by filing Civil Petition No. 433-K and 434-K of 2010, and an order dated 31.1.2011, is passed by Hon'ble Apex Court, in these petitions the Hon'ble Apex Court refused to grant leave to appeal and observed as under:

> "As the respondents have been working on the permanent/vacant posts since 2006; meet the required criteria for appointment and the petitioners have no complaint against them, the listed petitions have no merits to call for interference by the Court in the impugned orders and as such the same are dismissed and leave to appeal is refused."

2. Learned counsel for the petitioners submit that same and identical treatment be given to the petitioners in present petitions, which has already been given by the orders of Division Bench of this Court referred to above and same are maintained by the Hon'ble Apex Court. Learned Counsel for the petitioners have placed on record photocopy of SNE proposal, which is available at page 59 alongwith statement filed on 25.8.2012 by the learned counsel for the petitioners; according to which 130 posts have been sanctioned by the government.

3. Learned Asstt. A.G. vehemently opposed the submissions made by the learned counsel for the petitioners and submits that fresh advertisement be ordered to be issued for fresh appointments in regular posts.

4. We have heard the learned counsel for the petitioners and learned Asstt. A.G. for the respondents and have perused the record with their assistance.

5. The submission made by the learned Asstt. A.G. has been declined by the Hon'ble Apex Court in the order passed on 31.1.2011, in Civil Petition Nos. 433-K and 434-K of 2010, referred to above and relevant portion has already been reproduced above.

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6. In view of the circumstances, and circumstances discussed above, the respondents are directed to give same treatment to the present petitioners, as has already been given to the other employees who approached this Court and orders have already been passed as referred to above, by this Court, as well as Hon'ble Apex Court. These petitions are allowed following the dictum laid down by the Hon'ble Apex Court. The respondents are further directed to regularize services of the petitioners within thirty days time from today, and submit compliance report to this Court through Additional Registrar of this Court.

Judge

Judge

1- For Orders on M.A No. 3901/13 (C/A)
2- For Orders on M.A No. 3902/13 (C/A)

19-06-13 Mr. Nisar Ahmad Dar, Advocate for the petitioners.

1 Granted.
2 Notice to the alleged contemnors for 25-06-13.

Judge