

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
C.P. No.D-2108 of 2011.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE 
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1. For Katcha Peshi.
2. For Hearing of M.A.No.914/2012.


13.8.2014

Mr. Faiz Muhammad Larik, advocate for petitioner.

Mr. Abdul Hamid Bhurgari, Addl. A. G.

The petitioner claims to have been working as Junior Clerk in (BPS-07) on daily wages basis against the permanent and vacant post since 2010. Learned counsel for the petitioner submits that since he has been working without any obstacle or hindrances. His services may be regularized in view of the fact that he is working against the sanctioned post. Learned counsel for the petitioner relied upon the judgment passed by this Court in C.P.No.D-50 of 2010 and another judgment passed in Civil Petition No.433-K & 434-K of 2010 passed by the Honourable Supreme Court of Pakistan.

On the other hand Mr. Abdul Hamid Bhurgari, learned Addl. A. G submits that the orders relied upon by the learned counsel for the petitioner are all consent orders. The order whereby leave was granted by the Honourable Supreme Court in Civil Petition No.433-K & 434-K of 2010 was passed on account of the fact that before this Court it was maintained by the Government functionaries that the petitioner therein were working to the satisfaction of their superiors in the department since years and they met the maximum criteria against the post on which they have been working. Similarly in that case it was observed that if the candidate qualifies in the written test he may be entitled to the regularization against the said post. He submits that such facts are distinguished as in the instant case as neither he met the maximum criteria and the services are not up to the mark.

Be that as it may, the counsel  appears agreed that this petition could be disposed of with the observation that whenever the advertisement is made to fill up the



vacancies in the department, the case of the petitioner for the appointment and regularization may be considered provided he qualifies the prescribed test and met the maximum criteria as required against such post that he is eligible for. With these observations, the petition stands disposed of.

He has applied and 45


Judge


Judge