

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P No.D-1438, 1681, 1682, 1687 of 2012

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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29.11.2022

M/s Muhammad Yousuf Laghari and Gulab Khan Kaimkhani advocates for petitioners.

Mr. Muhammad Ismail Bhutto, Addl. A.G Sindh.

By means of this petition, petitioners are seeking appointment on various posts viz. Junior Clerk, Assistant etc. in the department of Criminal Prosecution Service Wing, Government of Sindh on the ground, in the main, that against such posts they were appointed on daily wages, worked for considerable time and then in the process of appointment against said posts, they participated but they were not considered and rejected.

2. Respondents in their comments have submitted that appointment on daily wages does not create any vested right in favour of a person so appointed. The petitioners were given an opportunity to jockey for relevant posts in the appointment process but they could not qualify. That earlier petitioner Muhammad Nawaz had filed a CP No.D-2580/2012 against the government for the same relief but since he could not qualify the interview for the post, his case was not considered and dismissed in limine vide order dated 20.02.2014.

3. We have heard the parties and perused material available on record. It is by now settled that the employees appointed on daily wages have no right to regularization of service unless they qualify the requisite process of appointment and are considered for the given posts by the selection committee. Plethora of judgments in favour of this proposition can be cited. Moreso, earlier identical attempt by similarly placed person namely Muhammad Nawaz who had filed CP No.D-2580/2012 was frustrated in limine-----.

Hence, no case is made out for indulgence under the constitutional jurisdiction. The petitioners, however, would be at liberty to vie for the given posts in the upcoming process of appointment, and if they qualify the same, they may be considered in accordance with

law. Accordingly, the petitions are dismissed along with pending applications, if any.

JUDGE