

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. D-6405 of 2018
(Javed Ahmed versus Chief Secretary Sindh & others)

Date	Order with signature of Judge(s)
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Before:-
Mr. Justice Muhammad Karim Khan Agha
Mr. Justice Adnan-ul-Karim Memon

Date of hearing and order: 30.4.2025

Mr. Abdul Samad Memon advocate for the petitioners
Mr. Ali Safdar Depar, Assistant AG

ORDER

ADNAN-UL-KARIM MEMON, J. The petitioner requests that this Court direct Respondents No. 1, 2, and 4 to regularize his employment based on the Sindh Regularization of Adhoc and Contract Employees Act 2013, count his seniority from his initial appointment, and grant him back benefits from the termination date.

2. The petitioner is challenging his termination on 19.09.2013 by Respondents Nos.2 and 4, submitting that it occurred without proper charge framing or a show-cause notice.

3. The learned counsel for the petitioner reiterated that his client was initially hired on contract for lower-grade position (BS-1) following a proper process: advertisement (Annexure B), successful interviews, and the issuance of offer letter dated 31.8.2009 (Annexure C). He complied with all requirements, including medical examination (Annexure D) and submission of joining report. Counsel further emphasized that the petitioner’s contract was extended until June 30, 2013, and he was verbally assured of another extension until June 30, 2014, prompting him to continue his duties. The learned counsel drew the court's attention to a letter from Respondent No.3 (Annexure E) that officially extended the scheme until June 30, 2014. Despite this, the petitioners' requests for a formal extension from Respondents Nos.2 and 6 were denied. Finally, the petitioner’s counsel underscored that this Court has previously ruled in favor of similarly situated petitioners vide order dated 26.2.2015 and 25.1.2018 (Annexure F/F-1), and that his client has no other appropriate legal recourse and has presented all pertinent facts to the court. He prayed for allowing the petition by setting aside the order dated 19.9.2013.

4. The learned Assistant Advocate General (AAG) argued that Respondent No.3 is an unnecessary party, as the case falls under the purview of the Administrative Department (Livestock & Fisheries Department). They noted the ongoing status of the development scheme, included in ADP 2018-19, and requested the removal of Respondent No.3's name from the petition, while assuring compliance with any orders against the relevant respondents. Furthermore, the AAG contended that the petition lacked merit and is barred by the doctrine of laches (unreasonable delay). He added that the cause of action arose in 2013, yet the petition was filed in 2018, and the case is now in 2025. Therefore, the AAG submitted that the petition may be dismissed due to this delay, without needing to address the substantive issues of the case on merit.

5. Having heard the arguments presented by the learned counsel for all parties regarding the maintainability of this petition, specifically in relation to the doctrine of laches, and having carefully examined the provided record with their assistance, we will now proceed to consider the matter on the aforesaid analogy.

6. The petitioner is contesting his termination dated September 19, 2013, by Respondents Nos.2 and 4, submitting that it was done without any formal charges or a show-cause notice. While the petition outlines these grievances, this court directed the counsel to address the potential bar of laches due to the delay in filing the petition as his contract was terminated due to allocation of funds in the subject scheme during financial year 2013-2014. In response, the petitioner's counsel argued that the doctrine of laches should not apply, citing previous similar petitions that were allowed by this court and the case of the petitioner is akin to those cases. When the court pointed out that those earlier petitions were filed promptly, unlike the present case, which was initiated in 2018 despite the cause of action arising in 2013, the counsel maintained that the current case should be decided in line with the previous rulings and urged the court to allow the petition.

7. Laches, an equitable defense, bars relief for unreasonable delay that prejudices the opponent. Unlike strict limitations, its application depends on case facts and fairness. The Supreme Court in *Farzand Raza Naqvi case* 2004 SCMR 400) held that delay can bar writ petitions, but not if equitable, the petitioner was not indolent, and relief is just. Laches is less impactful for recurring issues, as past delay might not preclude action on current occurrences. The AAG argued that 2013-2018 (now 2025) is laches, countered by petitioners citing timely prior cases.

8. Considering the aforementioned facts and circumstances, without touching the merits of the case, we find no justification to entertain this petition in 2025. It is significantly barred by laches, as the cause of action arose in 2013 with the

impugned order, yet the petitioner filed this petition in 2018, a delay of approximately five years. Furthermore, no compelling reason to exercise our discretionary powers has been presented. Consequently, the Petition, being ill-conceived and barred by laches, is hereby dismissed with pending application(s).

JUDGE

HEAD OF CONST. BENCHES