

IN THE HIGH COURT OF SINDH AT KARACHI

C. P. No. D – 4268 of 2025

[Muhammad Akhyar Uddin Khan and 24 others *versus* Federation of Pakistan and another]

Present:

Mr. Muhammad Faisal Kamal Alam, J
Ms. Sana Akram Minhas, J

Date of Hearings : 07.10.2025, 14.10.2025 and 15.10.2025.

Petitioners : Muhammad Akhyar Uddin Khan and 24 others, through Mr. Ali Assadullah Bullo, Advocate.

Respondent No.1 : Federation of Pakistan, through Secretary Ministry of National Food Security & Research Pakistan Secretariat Islamabad, *through* Mr. Muhammad Akbar Khan, Assistant Attorney General.

Respondent No.2 : Pakistan Cotton Standards Institute, through Director, *through* Mr. Muhammad Usman Warraich, Advocate, along with Mr. Abdul Rahim, Focal Person.

ORDER

Through this Petition, the Petitioners have challenged the Termination Letters dated 07.08.2025 [the “**Impugned Termination Letters**”].

2. Mr. Ali Assadullah Bullo, Advocate for the Petitioners, has contended that the Impugned Termination Letters should be set aside; He argued that all the Petitioners initially were inducted in Respondent No.2 – Pakistan Cotton Standards Institute couple of decades back, whereafter their services were regularized through Office Order dated 10.04.2007 [*at Page-111*] and those of Lower Income Group vide Office Order dated 30.09.2019 [*at Page-121*]. To fortify this further, has appended Salary Certificates of the Petitioners, showing basic salaries and deduction towards G.P. and Benevolent Funds, to show that they are in regular employment of Respondent No.2. He has referred to the present **Governing Law**, that is, Act No.II of 2009 – *Cotton Standardization (Amendment) Act, 2009*, and *Pakistan Cotton Standards Service Rules, 1995* – **Service Rules**, which are Statutory Rules, under which employment of present Petitioners has to be

governed. States that only in terms of Chapter 15 the services of an employee/ Petitioners can come to an end, but in violation thereof the Impugned Termination Letters have been issued by giving three months' pay in lieu of termination, without any other post-retirement or severance benefits.

3. The above arguments and present Petition are opposed by the Respondents, being represented by learned Assistant Attorney General Mr. Muhammad Akbar Khan and Mr. Muhammad Usman Warraich, Advocate. They have argued on the basis of their respective Written Statements.

4. Crux of the arguments of Respondents' Counsel is that employment of Petitioners are purely on temporary basis as reflected in their Appointment Contract dated 30.09.1993, appended with the Petition and therefore by invoking Clause 15.2 [2 and 3] of the above Service Rules, Impugned Termination Letters have been issued, because as per the Policy Decision of the Federal Cabinet, the Respondent No 2 is to be right-sized.

5. Notably, it is not disputed that Petitioners' initial appointment in Respondent No.2 was in any way dubious.

6. When confronted with the above two Office Orders dated 10.04.2007 and 30.09.2019 respectively vis-à-vis regularization of services of the Petitioners, the counsel for Respondent No.2 states that both the Office Orders are illegal because the Board did not have such power to regularize the employment of the Petitioners. However, when questioned by the Court, he admits that such regularization / Office Orders have never been challenged nor disputed in any legal proceedings to date.

7. In both the above Office Orders, names of Petitioners are mentioned at Serial Nos.100 [Petitioner No.1, page-115], 97 [Petitioner No.2, page-115], 99 [Petitioner No.3, page-115], 11 [Petitioner No.4, page-63], 15 [Petitioner No.5, page-63], 109 [Petitioner No.6, page-115], 137 [Petitioner No.7, page-117], Salary Certificate under Statement [Petitioner No.8, page-15], 136 [Petitioner No.9, page-117], 132 [Petitioner No.10, page-117], 134 [Petitioner No.11, page-117], 143 [Petitioner No.12, page-117], 6 [Petitioner No.13, page-121], 153 [Petitioner No.14, page-117], 4 [Petitioner No.15, page-121], 3 [Petitioner No.16, page-121], 5 [Petitioner No.17, page-121], 2 [Petitioner No.18, page-121], 7 [Petitioner No.19, page-121], 160 [Petitioner No.20, page-119], 111 [Petitioner No.21, page-117], 149 [Petitioner No.22, page-117], 8

[Petitioner No.23, page-121], 9 [Petitioner No.24, page-121] and 151 [Petitioner No.25, page-117].

8. The arguments were completed yesterday and the matter was dated and time fixed today for further arguments, if any in the presence of all the Counsel; however, learned Counsel for Respondent No.2 is not present and we have been informed by the Departmental Representative present in Court that the Counsel has gone back to Islamabad to attend to his professional work.

9. Adverting to the objection of the Counsel of Respondent No.2, about the purported unauthorized regularization of Petitioners in terms of the above two Office Orders. Under the above Statute, the Management of Respondent No.2 vests in the Board [Section 4] and the constitution of the Board in terms of Section 5 includes representatives of the Ministries of Food, Agriculture, Livestock, Commerce and Finance. **Secondly**, Judgment dated 21.06.2018 placed on record by the Counsel for the Petitioners, handed down by learned Islamabad High Court (in ICA No.340 of 2017 – *Imran Ahmed & Others v. Federation of Pakistan & Others*) and the Hon'ble Supreme Court's Order dated 13.9.2019 (in CPs No.2792, 3526 to 3536 of 2018) upholding the former judgment, it is ruled that Boards of Statutory organizations/ companies controlled by the Federal Government are empowered to take such Decision. **Thirdly**, the Memorandum dated 31.12.2007 of the Ministry of Textile Industry [Government of Pakistan] itself talks about ex post facto approval of regularization. **Fourthly**, no such specific objection has been raised in either of the Written Statement / Para-wise Comments of both Respondents. Thus, the argument of the Respondents' Counsel is not only misconceived but also misleading, that Board was not empowered to regularize the service of the Petitioners. The conclusion is that the Petitioners are regular employees of Respondent No.2 [Pakistan Cotton Standards Institute].

10. From the undisputed record, it is quite clear that all the Petitioners are regular employees of Respondent No.2 and their services have to be dealt with accordingly, that is, under the statutory Service Rules [*supra*], containing provisions for retirement as well as pensionary benefits.

11. This discussion further concludes that all the Impugned Termination Letters are illegal, void ab initio and set-aside. The manner in which these

Petitioners were terminated from service, has put a question mark on the overall right-sizing programme, but since it is not challenged before us, therefore, we offer no further comments on that issue.

12. Consequently, this Petition is accepted. Petitioners are restored in their respective posts/positions and the Respondents, if want to right-size the Respondent No.2, the employment matters of these Petitioners will be dealt with in accordance with the above Service Rules being regular employees. Those Petitioners who have completed their qualifying length of service, should also be given pensionary benefits, if their services are not required. Sub-Rule (2) of Rule 15 of the Service Rules should also be considered.

13. In view of the above, this Petition stands disposed of (in terms set out in paragraph 12 above) along with all pending application(s), if any, but with no order as to costs.

Judge

Judge

Karachi

Dated: 15.10.2025

Riaz / P.S.