

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

CP No. D- 158 of 2014

[Sarfraz Ahmed v. The Province of Sindh & Others]

BEFORE:

MR. JUSTICE MUHAMMAD SALEEM JESSAR

MR. JUSTICE NISAR AHMED BHANBHRO

Petitioner: Sarfraz Ahmed
Through Mr. Muhammad Arshad S. Pathan,
Advocate
Respondents: Province of Sindh and others
Through Mr. Muhammad Ismail Bhutto, Addl.
A.G.
Date of hearing:
& Decision: 27.10.2025

ORDER

NISAR AHMED BHANBHRO, J - Through instant Petition, the
Petitioner has claimed the following relief :

- (a) *To issue writ declaring that the Notice for Cancellation of Contract dated 31.12.2013 issued by respondent No.4 is illegal, unlawful, discriminative, in violation of Article 25 of the Constitution, without lawful authority, against the judgments passed by Honourable High Court and Apex Court and is not binding upon the Petitioner.*
- (b) *To direct the respondents to regularize and confirm the service of Petitioner to same post in view of the decisions given by Honourable High Court and Honourable Supreme Court.*
- (c) *To suspend the operation of Notice for Cancellation of Contract dated 31.12.2013 and restrain the respondents from disturbing the service and / or from taking any coercive action against the Petitioner, by themselves or through their subordinate officers in any manner whatsoever.*

2. Mr. Muhammad Arshad S. Pathan learned counsel for petitioner has argued that the Petitioner was appointed as Assistant Accountant in respondent department On-farm Water Management Project on contract basis for a period of four years vide order dated 23.9.2004; that the petitioner

continuously worked in the department until the year 2013 when vide letter dated 31.12.2013 he was informed that the project was being closed and his services would be terminated w.e.f. 31.1.2024. He prayed that the Petitioner was appointed on contract basis after completing all formalities and in terms of *the Sindh (Regularization of Adhoc and Contract Employees) Act, 2013*, (Act of 2013) the government of Sindh was required to regularize the services of the Petitioner. He prayed for allowing this Petition.

3. Mr. Muhammad Ismail Bhutto learned Addl. A.G, controverted the submissions of learned counsel for the Petitioner and contended that On-farm Water Management Project was initiated under the assistance of World Bank and the project ended in the month of January 2014; therefore, the services of the petitioner were terminated from the said date and he could not be regularized.

4. Heard arguments perused the material available on record.

5. It appears from the record that the Petitioner along with others was appointed on contract basis in On-farm Water Management Board as Assistant Accountant in year 2004. Petitioner has served in the department from the date of appointment until now, but his case never came up before Respondents to consider for regularization. The Petitioner agitated his grievance before the Respondents that his case was covered under the provisions of Sindh (Regularization of Adhoc and Contract Employees) Act, 2013 but remained unheeded.

6. Perusal of record supports the stance of the Petitioner that he has rendered continuous service for a period of more than 21 years. In the intervening period the benefit of the Act of 2013 was extended to the employees, who were appointed on contract and adhoc basis in other projects in connections with the affairs of the province. The issue of the regularization of the petitioner and his colleagues working in the On-farm water management skipped the notice of the government of Sindh. The statement dated 19.10.2024 filed by the respondent No.2 (Director General On-farm Water Management Sindh) revealed that the services of the

employees working in the project were continued until 30.6.025 vide order dated 21.8.2024 by the Government of Sindh, which reads as under:

GOVERNMENT OF SINDH
AGRICULTURE, SUPPLY & PRICES
DEPARTMENT
KARACHI dated 21st August 2024

ORDER

No.SO(A-III/VI)3(346)021(Ptf): With the approval of Competent Authority i.e. Chief Minister, Sindh and in continuation of this department’s order No. O(A-III)2(346)/09 dated 11th April, 2023. The contract period of following officers of Ex-Sindh On farm Water Management adjusted in On Farm Water Management Sindh of Agriculture Department is hereby extended with effect from 01.10.2023 to .30.06.2025.

SR.#	NAME	FATHER’S NAME	DESIGNATION	BPS
1	Mr. Abdul Hussain Korai	Moula Bux	Deputy Director	(BPS-18)
2
....
64	Mr. Sarfraz Ahmed Memon	Abdul Rahim Memon	Assistant Accountant	(BPS-16)
.....

SECRETARY
AGRICULTURE, SUPPLY & PRICES
DEPARTMENT

7. The name of petitioner appears at S.No. 64 in the list. Record evidenced that the services of the petitioner continued from year 2004 to 2025 without break in the project. There is no denial to the fact that the On-farm Water Management Project related to the improvement of water courses and is related to the affairs of the Province of Sindh. To protect the services of employees working on contract and adhoc basis in the departments and projects of Government of Sindh Provincial Assembly of Sindh enacted *Sindh (Regularization of Adhoc and Contract Employees) Act, 2013*. Per Section 3 of the Act the government was required to examine the cases of the employees working on contract and adhoc basis in Grade 1 to 18 in Government Departments and projects in connection with the affairs of the province, if the employees were found otherwise eligible, their services were

deemed to have been regularized in terms of the section 3 of the Act of 2013. Section 3 reads as under:

3. Regularization of services of employees: Notwithstanding anything contained in the Act or rules made thereunder or any Decree, order or judgment of a court, but subject to other provisions of this Act, an employee appointed on adhoc and contract basis or otherwise (excluding the employee appointed on daily-wages and work-charged basis), against the post in BS-1 to BS-18 or equivalent basic scales, who is otherwise eligible for appointment on such post and is in service in the Government department and it's project in connection with the affairs of the Province, immediately before the commencement of this Act, shall be deemed to have been validly appointed on regular basis".

8. Perusal of above provision of law reveals that the services of the employees working in Grade 1 to 18 in government department or any project in connection with the affairs of the provinces were deemed to be regularized and they were deemed to be appointed validly on regular basis in government service. The benefit of the section 3 was also available to the employees of project, in terms of the definition of the "employee" contained under subsection 2(d) which reads as follows:

2(d) "employee" means a person appointed to a post on adhoc and contract basis or otherwise (excluding the employee appointed on daily-wages and work-charged basis);

9. Record evidenced that the petitioner is working in On-farm Water Management Project since year 2004 though the project as reported was assisted by the World Bank but the same was in connection with the affairs of the province; therefore, the case of the petitioner squarely falls within the definition and ambit of section3 of the said Act.

10. It is an inalienable right of every citizen to be dealt with in accordance with law and every action should follow the due process of law as enshrined in Article 4 and 9 of the Constitution of Islamic Republic of Pakistan, 1973. It was the obligation of the respondent department to extend benefit of the legislation to the Petitioner and to consider his case in terms of Section 3 of the Act of 2013. If Petitioner was found otherwise eligible his services would

have been regularized but this due process did not happen and the petitioner remained working in the project on contract basis.

11. The discussion made hereinabove leads to an irresistible conclusion that the petitioner has made out a case for consideration in terms of Section 3 of the Act of 2013; therefore, this Petition is allowed. The respondents are directed to consider the case of petitioner for regularization within a period of two months from the date of this order, if he falls within the criteria envisaged under the law his services shall be regularized.

The Petition stands disposed of. Office to send copy of the order to the Respondent for compliance. Additional Registrar of this Court to ensure compliance.

JUDGE

JUDGE

Karar_Hussain/PS*

Approved for reporting

Hyderabad

27.10.2025