

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

Present:

Mr. Justice Adnan Iqbal Chaudhry

Mr. Justice Abdul Hamid Bhurgri

Constitution Petition No. D-103 of 2022

[Kiran Balmiki Versus Province of Sindh and others]

Petitioner : Through Mr. Nisar Ahmed G. Abro,
Advocate.

Respondents : Through Mr. Liaquat Ali Shar, Addl.
Advocate General, Sindh.

Date of Hearing : 11-03-2026

Date of Order : 11-03-2026

ORDER

Adnan Iqbal Chaudhry J.- Since the prayer is for regularization of service, learned counsel for the Petitioner is confronted with the case of *Muhammad Arif v. Federation of Pakistan*, 2025 PLC (C.S) 93 where the Full Bench of this Court has discussed the test for maintaining such petition. Though learned counsel requests for an adjournment, we are not inclined to do so as the law on regularization is well settled.

2. The Petitioner was appointed by the Municipal Corporation Larkana on 18.04.2017 as a sanitary worker on daily wages for a period of three months. She claims that her contract was extended from time to time and still continues. The prayer for regularization of service is premised on the submission that the tenure served by her entitles her to such regularization. The submission is misconceived as it was reiterated by the Supreme Court in *Deputy Commissioner Upper Dir v. Nusrat Begum* (2022 SCMR 964) and *Government of Khyber Pakhtunkhwa v. Saeed ul Hasan* (2021 SCMR 1376) that even long and satisfactory service is no ground for regularization, and that an employee engaged adhoc or under a time-bound contract has no vested right to regularization

3. More fundamentally, it is settled law that in the absence of a statute or Government policy requiring or enabling the employer to regularize a contract employee, no writ can issue to do so under Article 199(1)(a) of the Constitution of Pakistan. The binding precedents of the

Supreme Court holding so, have already been discussed by the Full Bench of this Court in *Muhammad Arif v. Federation of Pakistan*, 2025 PLC (C.S) 93 as follows:

“26. It is settled law that for a writ to issue under Article 199(1)(a) of the Constitution the petitioner has to establish that he is guaranteed a fundamental or legal right, as the object of the Article is the enforcement of a legal right and not the establishment of a legal right. The precedents binding us categorically hold that in the absence of a specific provision in the contract, or a law providing for regularization, contract employees do not have a vested right for regular appointment solely for long and satisfactory contractual service; and that, while exercising jurisdiction under Article 199 of the Constitution the High Court cannot extend the scope of a contract or alter the terms and conditions of employment in favour of the employee. These are pronouncements of the Supreme Court in *Muzaffar Khan v. Government of Pakistan* (2013 SCMR 304); *Government of Khyber Pakhtunkhwa, Workers Welfare Board v. Raheel Ali Gohar* (2020 SCMR 2068); *Owais Shams Durrani v. Vice-Chancellor Bacha Khan University* (2020 SCMR 1041); *Sui Southern Gas Company Ltd. v. Zeeshan Usmani* (2021 SCMR 609); *Government of Khyber Pakhtunkhwa v. Saeed ul Hasan* (2021 SCMR 1376); *Khushal Khan Khattak University v. Jabran Ali Khan* (2021 SCMR 977); *Pakistan Telecommunication Company Ltd. v. Muhammad Samiullah* (2021 SCMR 998); *Government of Khyber Pakhtunkhwa v. Sher Aman* (2022 SCMR 406); *Deputy Director Finance & Administration FATA v. Dr. Lal Marjan* (2022 SCMR 566); and *Vice Chancellor Agricultural University, Peshawar v. Muhammad Shafiq*. The ratio decidendi of these precedents is that absent a statutory basis for regularization, an employee has no fundamental or vested right to regularization.”

4. In view of the forgoing, since there is no statute or Government policy applicable to the Respondents requiring or enabling them to regularize the Petitioners, no writ can issue to do so under Article 199(1)(a) of the Constitution. Resultantly, the petition is dismissed as not maintainable.

JUDGE

JUDGE