

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.**

C.P No. D-6185 of 2025

(Muhammad Aijaz & another v Province of Sindh & others)

Dated _____ Order with signature of Judge.

Before:

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Zulfiqar Ali Sangi

Date of hearing and order:-01.04.2026.

M/s. Faizan H. Memon and Muhammad Salim Khaskheli advocates for the Petitioners.

Mr. Ali Safdar Depar AAG.

ORDER

Adnan-ul-Karim Memon, J Petitioners have filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking following relief(s):-

- i Declare that the Respondents failure to issue notification for the petitioners' regularization as Telephone Attendant/Operator and Dispatch Rider is arbitrary, discriminatory, mala fide and violative of law;*
- ii Direct the Respondents to issue notification of regularization of the Petitioner No.1 as Telephone Attendant/ Operator and petitioner No.2 as Dispatch Rider, with effect from the ate of promulgation of the Sindh (Regulation of Adhoc and Contract Employees) Act 2013, along with all consequential benefits;*
- iii Restrain the REspondents, their officers, officials, subordinates, agents, nominees, representatives, and / or any persons working through or under them from advertising or appointing anyone to the posts of Telephone Attendant/Operator and Dispatch Rider, till final disposal of theis petition.*

2. The case of the Petitioners is that they were appointed in July 2012 as Telephone Attendant/Operator and Dispatch Rider respectively on contract basis in the Human Rights Department, Government of Sindh, pursuant to a public advertisement. They submitted that after promulgation of the Sindh (Regularization of Adhoc & Contract Employees) Act, 2013, they became entitled to regularization as they were in service on the date of commencement of the Act. Their cases were forwarded to the Scrutiny Committee, which recommended them for regularization in its meeting held on 20.03.2018, and a summary was also moved for approval of the Chief Minister. Their educational documents were verified; however, despite fulfillment of all codal formalities and recommendation of the Scrutiny Committee, the Respondents failed to issue the regularization notification.

3. Learned counsel for the Petitioners submitted that similarly placed employees were regularized pursuant to orders of this Court, particularly in CP No. D-1155 of 2023 decided on 01.10.2024, therefore, denial of the same relief to the Petitioners is discriminatory and violative of Articles 4, 9, 18 and 25 of the Constitution. In support of his contention he relied upon the cases of Adnanullah v Amir Hussain & others **2016 SCMR 1375** and Rizwan Javed and others v Secretary Agriculture Livestock and others **2016 SCMR 1443**. He lastly prayed for allowing the instant petition.

4. Conversely, learned AAG and learned counsel for the Human Rights Department submitted that the Petitioners were appointed purely on contract basis against project posts under an ADP Scheme titled “Establishment of Human Rights Complaint Cell at Karachi,” which was a temporary project. However, their appointments were not made against regular sanctioned posts and were extendable only during the life of the project. It is urged that upon completion of the project in 2020, the contractual posts stood abolished. It was further submitted that regular sanctioned posts of Telephone Operator and Dispatch Rider now exist in the department, but the same are required to be filled through fresh recruitment in accordance with the prescribed rules and policy, including recruitment through IBA testing where applicable. Therefore, the Petitioners, being project employees, have no vested right to claim regularization against regular sanctioned posts, and the petition is liable to be dismissed.

5. We have heard learned counsel for the parties and perused the record.

6. It is an admitted position that the Petitioners were appointed in July 2012 through a proper advertisement and selection process and were in service at the time of promulgation of the Sindh (Regularization of Adhoc & Contract Employees) Act, 2013. It is also a matter of record that their cases were placed before the Scrutiny Committee, which recommended them for regularization in its meeting held on 20.03.2018, and thereafter a summary was moved for approval of the competent authority. Their educational documents were also verified by the concerned Board/Authorities. Despite completion of all formalities, the Respondents failed to issue the notification of regularization without assigning any lawful justification.

7. The plea of the Respondents that the Petitioners were project employees and not appointed against regular sanctioned posts has no force in the circumstances of the present case, as the Sindh (Regularization of Adhoc & Contract Employees) Act, 2013 provides regularization to employees appointed on adhoc, contract or otherwise, who were in service on the date of commencement of the Act, subject to recommendation of the Scrutiny Committee.

8. The record reflects that similarly placed employees, whose cases were also recommended by the Scrutiny Committee in the same meeting, approached this Court and were granted relief, including in CP No. D-1155 of 2023, decided on 01.10.2024, wherein the Respondents were directed to issue notification of regularization, and the said judgment has already been implemented.

9. In our view, the case of the present Petitioners is identical to that of the petitioners in CP No. D-1155 of 2023, and the Respondents cannot discriminate between similarly placed employees. Such discriminatory treatment is violative of Article 25 of the Constitution. Once the Scrutiny Committee recommended the Petitioners and the competent authority processed the summary, the Petitioners acquired a vested right to be considered for regularization in terms of Section 3 of the Act, 2013.

10. Consequently, the competent authority of respondents needs to hold meeting with all concerned with regard to issue of notification of regularization of the Petitioners as Telephone Attendant/Operator and Dispatch Rider, respectively, in terms of Section 3 of the Sindh (Regularization of Adhoc & Contract Employees) Act, 2013, with effect from the date their counterparts were regularized pursuant to judgment dated 01.10.2024 passed in CP No. D-1155 of 2023. However that is subject to condition that if the committee find the petitioner's case at par with the colleagues. The aforesaid exercise shall be undertaken within three months.

11. The petition along with pending application(s) stands disposed of in the above terms.

JUDGE

JUDGE