

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-4440 of 2026  
(Sajjad Ali versus Province of Sindh & others)

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| Date | Order with signature of Judge |
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Before:-  
Mr. Justice Adnan-ul-Karim Memon  
Mr. Justice Adnan Iqbal Chaudhry

Date of hearing and order: 15.7.2026

Agha Ali Khan Durrani advocate alongwith  
Mr. Imran Munwar advocate for the petitioner  
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**ORDER**

**Adnan-ul-Karim Memon, J.** Petitioner Sajjad Ali has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer: -

- a) *Declare that the impugned Order bearing No. N.O.D.D(HR)/(ZDA)/2025-26/344 dated 20.5.2026 is illegal, arbitrary, ultra vires and without lawful authority, having been issued by a person without jurisdiction (Respondent No.5), in violation of the statutory framework of ZDA and the directions of this Court.*
- b) *Set aside the impugned order dated 20.5.2026 issued by Respondent No.5 in its entirety.*
- c) *Issue a Writ of Mandamus directing Respondent No. 4 (Managing Director, ZDA) to forthwith regularize the Petitioner's services with effect from the date of his initial appointment in March 2015, against the same sanctioned post, with all consequential service benefits including seniority, increments, and protection from adverse action in light of the, Cabinet direction, and powers under Sections 5, 6, 7, 32, and 54 of the ZDA Act, 2010;*
- d) *In the alternative, direct the Respondents to reconsider the case of the Petitioner afresh through the Competent Authority (Managing Director, ZDA) strictly in accordance with law, particularly in light of the powers available under the ZDA Act, 2010 (as amended), applicable service framework, Cabinet direction, principles of fairness and legitimate expectation, and to consider maintaining continuity / regularization of service;*
- e) *Direct the Respondents to place the matter before the Governing Body/Chairman for fair, independent, and lawful consideration through a duly recommended Summary / Note of the Competent Authority;*
- f) *Direct the Respondents to pay all outstanding salary, allowances, and financial arrears from the date of non-extension (July 2024) to date in view of the subsisting stay order dated 26.06.2024 which prohibited coercive action including 5% annual increments per Section 5.2(b) HRMM-2016, ad hoc relief per Section 5.2(c), and 5% ZDA allowance per Section 5.3.1.1;*

- g) Pending final disposal of this petition, direct Respondents No.4 and 5 to maintain continuity of service of the Petitioner by issuance of appropriate extension/fresh contractual engagement order in accordance with law, till final adjudication of the present petition;*
- h) Restrain the Respondents from taking any coercive or adverse action against the Petitioner in violation of law;*

2. The learned counsel was directed to satisfy this Court regarding the maintainability of the petition against the impugned order dated 20.05.2026, whereby the petitioner's representation for regularization was rejected in terms of the decision made by this Court in his earlier round of litigation. It appears that the petitioner was appointed on a contractual basis in 2015, and his contract was renewed annually up to June 2024, after which his services came to an end by efflux of time. The representation was decided pursuant to the order dated 20.04.2026 passed by this Court; however, the claim was declined on the ground that the Sindh (Regularization of Ad-hoc and Contract Employees) Act, 2013 applies only to employees appointed up to 25.03.2013, whereas the petitioner was appointed thereafter. It was further observed that no subsequent policy or law exists for regularization of post-2013 contractual employees, and contractual appointment does not create any vested right to regularization or permanent absorption. Since no services were rendered after expiry of the contract, the claim for back benefits was also found untenable.

3. Learned counsel for the petitioner submits that the petitioner was appointed as Deputy Director (Planning) in Zulfikarabad Development Authority (ZDA) in March 2015 against a duly sanctioned vacant post after fulfilling all codal and legal requirements. Since his appointment, he has continuously served the Authority for more than ten years with dedication and efficiency, and his service record remained unblemished, with no allegation of misconduct, inefficiency, corruption, financial irregularity, or any disciplinary proceedings initiated against him. Learned counsel contends that the petitioner's contractual engagement was repeatedly extended by the competent authorities due to official necessity and satisfactory performance. The extensions were granted even with the approval of the Hon'ble Chief Minister Sindh/Chairman Governing Body, ZDA, and the Chief Secretary, Sindh, which clearly demonstrated recognition of the petitioner's services and created a legitimate expectation of continuity and regularization. It is further submitted that the Chief Minister Sindh, in his capacity as Chairman of the Governing Body of ZDA under the ZDA Act, 2010, endorsed the petitioner's request for regularization with the remarks "Please Regularize", pursuant to which directions were issued to the Managing Director, ZDA, for appropriate action. However, despite such statutory directions, the respondents failed to implement the same or pass any speaking order, thereby acting arbitrarily and in violation of the petitioner's legitimate expectation. Learned counsel further submits that the Provincial

Cabinet of Sindh had also directed constitution of a committee for regularization of contractual employees of ZDA, which was acknowledged by this Court in its order dated 26.06.2024 passed in CP No. D-2891/2024. He added that despite the said direction, the respondents failed to initiate the regularization process for several years without any lawful justification. It is argued that when the petitioner approached this Court through CP No. D-2891/2024 after non-extension of his contract beyond June 2024, this Court directed the competent authority to decide his representation within three weeks while protecting him from coercive action. However, instead of considering the petitioner's case fairly, the respondents rejected his representation vide order dated 20.05.2026 through Assistant Director (Administration), who was neither the competent authority nor legally empowered to decide the petitioner's claim. Learned counsel submits that the impugned order is without jurisdiction as the power to decide service matters and regularization issues under the ZDA Act, 2010 vests with the Managing Director/competent statutory authorities and not with a subordinate officer. The order is therefore coram non judice, arbitrary, and liable to be set aside. It is further contended that the respondents wrongly relied upon the Sindh (Regularization of Ad-hoc and Contract Employees) Act, 2013 while ignoring the independent statutory framework of ZDA under the Zulfikarabad Development Authority Act, 2010 and the ZDA Employees (Service) Regulations, 2024. Learned counsel argues that ZDA, being a statutory authority, possesses its own powers regarding service matters, including formulation of policies and removal of hardship under the relevant provisions of the Act. Learned counsel further submits that similarly placed contractual employees of ZDA were regularized in 2017 and 2021, whereas the petitioner, despite serving against a sanctioned post since 2015 and having a clean service record, has been denied similar treatment, amounting to discrimination in violation of Articles 4 and 25 of the Constitution. It is argued that the impugned order failed to consider the petitioner's long and continuous service, the Chief Minister's endorsement, Cabinet directions, powers of the Governing Body, and the doctrine of legitimate expectation. It is urged that the order is non-speaking, suffers from non-application of mind, and was passed without proper consideration of the petitioner's legal and factual claims. Learned counsel finally submits that the impugned order dated 20.05.2026 may be declared illegal, without lawful authority, and set aside, with directions to the competent authority of ZDA to consider and regularize the petitioner's services from the date of his initial appointment or reconsider his case afresh in accordance with law. It is further prayed that the respondents be directed to maintain continuity of service, release outstanding salary and benefits.

4. We have heard the learned counsel for the petitioner on the maintainability of the petition and perused the record with his assistance.

5. It appears that the controversy primarily revolves around the petitioner's claim for regularization of contractual service and the legality of the order dated 20.05.2026 passed by Respondent No.5 pursuant to the directions issued by this Court in earlier Constitutional Petition No. D-2891/2024. It is an admitted position that the petitioner was appointed on a contractual basis in the year 2015 and his contractual engagement was renewed from time to time up to June 2024. A contractual appointment, by its very nature, is governed by the terms and conditions of the contract and does not, by itself, create any vested right in favour of an employee for permanent absorption or regularization unless such right is conferred by law, statutory rules, or a valid policy framed by the competent authority. The petitioner has mainly relied upon the provisions of the Sindh (Regularization of Ad-hoc and Contract Employees) Act, 2013; however, the said enactment provides a specific statutory mechanism for regularization of those employees who fulfilled the eligibility criteria and were appointed within the period prescribed under the Act. Since the petitioner was appointed in 2015, much after the cut-off date provided under the said law, his case does not fall within the statutory parameters of the Act. The competent authority, therefore, could not have extended the benefit of regularization in the absence of any enabling provision.

6. The petitioner's reliance upon the Zulfikarabad Development Authority Act, 2010 (as amended) also requires examination. Sections 5, 6 and 7 of the said Act primarily deal with the constitution, powers, and functions of the Governing Body and the Managing Director, whereas Section 32 relates to service matters of the Authority. These provisions empower ZDA to regulate its affairs and formulate service-related policies; however, such powers are required to be exercised in accordance with law, rules, regulations, and the principles governing public appointments. The said provisions do not confer an automatic right upon contractual employees to claim regularization merely based on long service, therefore this Court cannot order for regularization of service of the petitioner under Article 199 of the Constitution.

7. The endorsement of the worthy Chief Minister/Chairman, Governing Body, ZDA, or any administrative recommendation may create an expectation for consideration of the petitioner's case; however, such endorsement cannot override statutory limitations or create a right contrary to the governing law. Likewise, the alleged regularization of other employees cannot, by itself, establish a legal entitlement in favour of the petitioner unless it is shown that such cases were governed by identical statutory provisions and that the petitioner falls within the same legal category.

8. The principle of legitimate expectation cannot be invoked to compel an authority to act contrary to statutory provisions. Such expectation can only arise where the competent authority has acted within the framework of law and where no overriding statutory restriction exists. In the present case, the petitioner's appointment remained

contractual throughout, and upon expiry of the contractual period in June 2024, no enforceable right accrued for continuation, regularization, or payment of salary for the period during which no services were rendered.

9. However, the Court is also mindful of the petitioner's contention that he served the Authority for a considerable period against a sanctioned post and that his case was not considered by the highest competent forum. The impugned order dated 20.05.2026 appears to have been passed by the Assistant Director (Administration), whereas the statutory scheme of the ZDA Act, 2010 vests administrative and policy decisions in the competent authorities constituted under the Act. Therefore, the question whether the petitioner's case required consideration by the Managing Director/Governing Body in view of the ZDA Act, applicable Regulations, and policy framework remains open to be called in question before any other forum.

10. Accordingly, while the petitioner cannot claim regularization as a matter of right in the absence of statutory sanction. However the issue is related to the representation which has already been decided which is not open under Article 199 of the Constitution for the reasons discussed supra.

11. Resultantly, the petition for regularization of service is not maintainable as his representation as directed by this Court has been decided on the aforesaid analogy; therefore, he cannot reopen the case under Article 199 of the Constitution.

12. For the foregoing reasons, this petition is not maintainable under Article 199 of the Constitution and is dismissed in limine.

JUDGE

JUDGE