

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
Constitutional Petition No. D-1092 of 2024  
(Najeebullah and others versus The Province of Sindh and others)

|      |                                                                      |
|------|----------------------------------------------------------------------|
| Date | Order with signature of Judge                                        |
|      | Mr. Justice Adnan-ul-Karim Memon<br>Mr. Justice Muhammad Jaffer Raza |

Date of hearing & order: 06.8.2026

Mr. Malik Altaf Hussain, advocate for the petitioners  
Mr. Abdul Jalil Zubedi, Addl. AG Sindh.

ORDER

**Adnan-ul-Karim Memon, J.** Learned counsel for the petitioners submitted that the present contempt application has been filed due to the respondents' willful and deliberate non-compliance with the order dated 30.10.2025. He argued that this Court had directed the respondents to consider the petitioners' case in the same manner as other similarly placed employees who had already been granted the benefit of regularization. According to him, the petitioners stand on the same footing as the employees in **C.P. No. D-7528 of 2018 (Shahnawaz & others)** and **C.P. No. D-4291 of 2020 (Muhammad Younis & others)**, whose services were regularized pursuant to the Provincial Cabinet decision dated 29.03.2018, and the judgments in those cases have attained finality after dismissal of the appeals. He contended that despite the settled legal position and in the absence of any stay order, the respondents have failed to implement this Court's order without any lawful justification. Such selective denial of relief to similarly situated employees, he argued, amounts to discrimination and reflects a conscious disregard of the authority of this Court, thereby constituting willful disobedience and attracting contempt proceedings.

2. Learned A.A.G. submitted that the respondents have neither willfully nor deliberately disobeyed the order dated 30.10.2025. He argued that immediately after the passing of the said order, the Livestock & Fisheries Department initiated the process for compliance by referring the matter to the learned Advocate General, Sindh, for obtaining the opinion of the Law Department regarding the regularization of the petitioners. According to him, the opinion dated 17.11.2025 concluded that the petitioners, having been appointed in 2015, do not fall within the ambit of the Sindh (Regularization of Ad-hoc and Contract Employees) Act, 2013, and that no policy or statutory framework presently exists for their regularization. He further submitted that the proposed *Sindh Regularization of Livestock and Fisheries Department Employees (Contract Basis) Act, 2018* has not yet been enacted, while this Court itself had observed in its order dated 30.10.2025 that no direction for automatic regularization could be issued in view

of the judgment of the Hon'ble Supreme Court in *Vice Chancellor, Agriculture University v. Muhammad Shafique and others*. He maintained that the petitioners' cases would be considered as and when any law or policy regarding regularization is framed by the Government. Learned A.A.G. further explained that although fifty-one project employees had been cleared for regularization by the Scrutiny Committee, only thirty-two employees, who were petitioners before this Court, were regularized pursuant to the recommendation of the SGA&CD, while the remaining nineteen employees were not regularized as they were not parties to the earlier petition. He, therefore, contended that the respondents have acted strictly in accordance with the directions of this Court and the prevailing legal position, and since no willful or deliberate disobedience has been committed, the contempt application is liable to be dismissed.

3. We have heard the learned counsel for the parties on the listed application and perused the record with their assistance.

4. The record reflects that the order dated 30.10.2025 did not direct the respondents to regularize the services of the petitioners forthwith. Rather, this Court had categorically observed that, in the absence of any existing statutory provision or policy, no direction for automatic regularization could be issued, particularly in view of the judgment of the Hon'ble Supreme Court in *Vice Chancellor, Agriculture University v. Muhammad Shafique and others*. The respondents were only required to consider the petitioners' case as and when the proposed legislation was enacted or any policy decision regarding regularization was taken by the Government, and such consideration was to be made without discrimination and strictly in accordance with the applicable law, rules, policy, and the principles settled by the superior Courts.

5. The material placed on record shows that immediately after the passing of the order, the respondents processed the matter and sought legal opinion through the learned Advocate General, Sindh, who, after obtaining the opinion of the Law Department, advised that the petitioners neither fall within the ambit of the Sindh (Regularization of Ad-hoc and Contract Employees) Act, 2013, nor is there any existing policy under which their services can presently be regularized. It is also an admitted position that the proposed *Sindh Regularization of Livestock and Fisheries Department Employees (Contract Basis) Act, 2018* has not yet been enacted. Thus, the contingency contemplated in the order dated 30.10.2025 has not yet arisen.

6. It is well settled that contempt jurisdiction is penal in nature and can only be invoked where there is clear, intentional, and willful disobedience of a specific and unequivocal direction of the Court. Mere inability to implement an order

owing to the absence of a statutory framework or government policy, particularly where the authority has taken steps towards compliance and has acted on legal advice, cannot be equated with willful or deliberate disobedience. Likewise, the grievance of discrimination raised by the petitioners pertains to the merits of their claim for regularization and cannot, by itself, enlarge the scope of contempt proceedings or convert them into execution proceedings for obtaining substantive relief beyond the tenor of the original order.

7. Accordingly, this Court is of the considered view that no case of willful, deliberate, or intentional violation of the order dated 30.10.2025 has been made out. Consequently, the present contempt application is dismissed. However, it is clarified that as and when the proposed legislation is enacted or any policy regarding regularization is framed by the Government of Sindh, the respondents shall consider the petitioners' cases strictly in accordance with law, without discrimination, and in the light of the observations contained in the order dated 30.10.2025.

JUDGE

JUDGE