

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Before:-

Mr. Justice Amjad Ali Bohio,
Mr. Justice Ali Haider 'Ada'.

Constitutional Petition No.D-1173 of 2023.
(Iltaf Hussain Bhanbro and others v. Province of Sindh and others).

Constitutional Petition No.D-1257 of 2023.
(Imdad Ali and others v. Province of Sindh and others).

Constitutional Petition No.D-1258 of 2023.
(Muhammad Sadiq Gabol and others v. Province of Sindh and others).

Date of Hearing : 26.02.2026

Date of Decision : 10.03.2026.

M/s Irshad Hussain Dharejo and Asif Ali Dharejo, Adv for petitioner
Mr. Ali Raza Baloch Additional Advocate General Sindh

ORDER

Ali Haider 'Ada' J: The petitioners claim that they are working as teachers under a project of the Sindh Education Foundation supported by M/s United Energy Pakistan. The said project was implemented in various locations where the petitioners were appointed, and they duly performed their duties within the scope of the project. However, despite the continuation of their services, their salaries were stopped by the respondents, namely the Education Department as well as the functionaries of the Sindh Education Foundation, without assigning any reason. Furthermore, the annual increments, annual bonuses, and other benefits were also discontinued. It is further stated that a summary was placed before the Chief Minister regarding the payment of the petitioners' salaries, with directions to sort out a possible solution so that the salaries of the petitioners could be released. In this regard, the petitioners have placed reliance upon their provisional appointments made under the said project.

2. On the other hand, the para-wise comments filed by the Sindh Education Foundation mainly assert that the petitioners were hired as **Project-Based Teachers**. After the end of funding for the project, several meetings were held with senior government functionaries wherein proposals were discussed for devising a permanent solution regarding the

operationalization of government schools. The Deputy Commissioner, Khairpur, has submitted that, in order to find a permanent solution, the Secretary of the Education and Literacy Department, Government of Sindh, issued administrative instructions during the minutes of the meeting whereby the Deputy Commissioner was requested to continue the payment of salaries. Furthermore, it was stated that some other mechanism would be adopted to resolve the issue permanently. M/s United Energy Pakistan, the donor company, has placed on record its contention through a statement that the petitioners are not employees of their company. It was submitted that the teachers were engaged through the Education Department and Sindh Education Foundation, while OMV Pakistan merely supported such projects. However, **after the closure of the project**, such support is no longer continuing. Preliminary objections have also been filed by the Secretary, Education and Literacy Department, who submitted that the department remains in contact with the Commissioner in order to resolve the matter.

3. On 25.02.2025, this Court passed an order containing directions. For ready reference, the relevant portion of the order is reproduced hereunder:

"15. To resolve this petition, the Secretary of Education will establish a three-member inquiry committee to verify the petitioner's appointment order within one month and report to the Secretary for immediate action. Petitioners will be summoned and given a full opportunity to present their case. Crucially, if the inquiry confirms the petitioner's entitlement to salaries, this issue must be resolved with utmost priority.

16. These petitions are disposed of in the above terms."

4. In compliance thereof, the Secretary, School Education and Literacy Department, filed a statement dated 23.12.2025, wherein it was stated that, vide notification dated 14.04.2025, a committee was constituted comprising the Additional Secretary (Primary), SE&LD, as Chairman, while the concerned District Education Officer, Deputy Secretary (Law), SE&LD, and the Section Officer (P-II), SE&LD, were nominated as members. It was further stated that after the constitution of the committee, the same, in compliance with the Terms of Reference (TORs) as directed by this Court, prepared a report containing its findings. In this

regard, the committee report addressed to the Commissioner, Sukkur Division, was placed on record. The minutes of the meeting were also produced, wherein the committee made the following recommendations:

Recommendations of the Committee

1. In view of the above-stated factual position, the Committee recommended that in those schools where regular Primary School Teachers or NCHD/BECS teachers are already posted, the continuation of Project-Based Teachers is not required. Accordingly, such Project-Based Teachers may be relieved, as there exists no functional or administrative necessity for their deployment in those schools.

2. The Project-Based Teachers shall be retained in schools where no regular Primary School Teacher has yet been posted, and they shall continue to perform their duties until the posting of regular Primary School Teachers in such schools.

3. With regard to the arrears of all Project-Based Teachers and the future salaries of those Project-Based Teachers who shall continue to work, the Department forward the case to Commissioner Sukkur Division for payment of such arrears and future salaries through the respective Deputy Commissioners by utilizing the Social Welfare Obligation Fund / Corporate Social Responsibility (CSR).

5. In pursuance of the aforesaid recommendations, the Commissioner, Sukkur Division, Sukkur filed a statement stating that the concerned Deputy Commissioner had informed that, after holding meetings with the education functionaries at the district and taluka levels, it was observed that a sufficient number of teachers were already available with the Education Department working on regular posts. Therefore, the relieving of the project-based teachers had already been conveyed to the committee. It was further submitted by the Commissioner, Sukkur Division, that the remaining arrears of the project employees had already been processed and paid through the respective Deputy Commissioners, as the project employees had initially been hired for government schools. However, after clearance of their arrears, the services of the project-based teachers were no longer required.

6. It is also noted that the schools in question are essentially government schools, which were temporarily operated through the project. However, due to the availability of a sufficient number of teachers appointed on regular and permanent basis by the Education Department,

the services of the project-based teachers are no longer required. Moreover, the donor agency has already closed the project under which such teachers were engaged.

7. Despite the dissatisfaction expressed, the contempt applications bearing the numbers CMA No. 3773 of 2025, CMA No. 3678 of 2025, and CMA No. 3694 of 2025 were filed by the petitioners in relation to petitions D-1173 of 2023, D-1257 of 2023, and D-1258 of 2023 (the aforementioned petitions). The petitioners contended that the respondents failed to comply with the order dated 25.02.2025, passed by this Court, in letter and spirit. Given that the issues raised in these contempt applications are similar in nature, and considering that the aforementioned petitions were decided by a single order, we intend to resolve the contempt applications and the relevant matters by way of a single order.

8. Learned counsel for the petitioners submitted that the project-based teachers have a right to continue in service. He contended that the practice adopted by the respondents, whereby project-based teachers are relieved and other teachers are adjusted in their place, is unlawful. He further argued that the order previously passed by this Court was not properly examined or implemented, which has compelled the petitioners to file the present contempt applications.

9. On the other hand, learned Additional Advocate General submitted that the project has already been completed and the services of the petitioners are no longer required. He further contended that even if the services were once required, the same were purely project-based and temporary in nature. He submitted that the posts of teachers were duly advertised, after which regular employees were appointed. Now, due to the availability of a sufficient number of teachers, such regular teachers have been transferred to the respective schools that were previously operated under the project. He further submitted that although the schools were earlier being run under the project, they are essentially government schools and now fall under the administrative control of the Education Department. Therefore, in order to ensure the continuity of education in government premises, it is more appropriate that such schools be run through permanent government employees rather than

through project-based staff. He also contended that the order passed by this Court has been complied with in letter and spirit; therefore, the contempt proceedings are frivolous in nature. Even otherwise, the petitioners, being project employees, do not have any vested right to claim continuation of their services after the closure of the project, particularly when regular employees are already performing duties in the respective schools.

10. Heard the learned counsel for the parties and perused the material available on record.

11. This Court, vide order dated 25.02.2025, disposed of the petitions with directions to constitute a committee to examine the petitioners' entitlement regarding payment of salaries. In compliance with the said order, a committee was constituted through notification dated 14.04.2025, which conducted the inquiry and submitted its observations and recommendations, as reproduced above.

12. The limited question before this Court is whether the present contempt applications are maintainable after disposal of the main petitions. The record shows that the directions issued by this Court have been complied with through constitution of the committee and submission of its report. Therefore, the matter stands concluded to that extent. If the petitioners have any further grievance regarding continuation of service or other claims, the same cannot be agitated through contempt proceedings, as the scope of contempt jurisdiction is limited only to examining compliance of the Court's order. For ready reference, **Article 204 of the Constitution of the Islamic Republic of Pakistan, 1973**, is reproduced hereunder:

[204. (1) In this Article, "Court" means the Supreme Court or a High Court.

(2) A Court shall have power to punish any person who—

(a) abuses, interferes with or obstructs the process of the Court in any way or disobeys any order of the Court;

(b) scandalizes the Court or otherwise does anything which tends to bring the Court or a Judge of the Court into hatred, ridicule or contempt;

(c) does anything which tends to prejudice the determination of a matter pending before the Court; or

(d) does any other thing which, by law, constitutes contempt of the Court.

(3) The exercise of the power conferred on a Court by this Article may be regulated by law and, subject to law, by rules made by the Court.]

13. Historically, the law relating to contempt of Court has undergone various legislative changes. The Contempt of Court Act, 1926 provided punishment for contempt with imprisonment up to six months or fine. Subsequently, the said law was repealed by the Contempt of Court Act, 1976, which similarly provided punishment for committing or abetting contempt of Court. Later, the Contempt of Court Ordinance, 2003 repealed the 1976 Act. Section 3 of the Ordinance describes acts constituting contempt, while Section 4 and 5 prescribes punishment and allows the accused to tender an apology at any stage, subject to the satisfaction of the Court regarding its bona fides. In this regard, Section 3 of the said Ordinance is relevant. For ready reference, the same is reproduced hereunder:

3. Contempt of Court.---Whoever disobeys or disregards any order, direction or process of a Court, which he is legally bound to obey; or commits a willful breach of a valid undertaking given to a Court; or does anything which is intended to or tends to bring the authority of a Court or the administration of law into disrespect of disrepute, or to interfere with or obstruct or interrupt or prejudice the process of law or the due course of any judicial proceedings, or to lower the authority of a Court or scandalize a Judge in relation to his office, or to disturb the order or decorum of a Court, is said to commit "contempt of Court". The contempt is of three types, namely, the "civil contempt", "criminal contempt" and "judicial contempt".

14. The Supreme Court of Pakistan in *Ch. Zahur Ilahi, M.N.A. v. Zulfikar Ali Bhutto and 2 others* [PLD 1975 SC 383] held that contempt is an extraordinary power, to be exercised with caution and only when necessary in the public interest. In *Saadat Khialy, Staff Reporter ("Kohistan" Daily) and others v. The State and another* [PLD 1962 SC 457], it was held that contempt proceedings are *sui generis*, sharing civil and criminal elements but bound by neither, though the accused must have a fair opportunity of defence. These principles were reaffirmed in *Syed Masroor Ahsan and others v. Ardeshir Cowasjee and others* [PLD 1998 SC 823], *Shahid Orakzai v. Pakistan Muslim League (Nawaz Group) and 8 others* [2000 SCMR 1969], and *The State v. Khalid Masood* [PLD 1996 SC 42]. In *Syed Ahmad Shah and Feroze Din v.*

The State and another [PLD 1967 SC 42], the Court emphasized that contempt proceedings are summary in nature and must be exercised with care, on clear proof. Thus, contempt proceedings are extraordinary, *sui generis*, and primarily aim to uphold the dignity of the Court and the administration of justice (*Ch. Zahur Ilahi*, [PLD 1975 SC 383]). The question, therefore, is whether the actions taken were beyond the scope of the Court's order. Upon review, it is evident that the actions were fully in compliance with the Court's directions, including the constitution of the committee and its subsequent recommendations. Consequently, it is clear that the present case does not attract contempt proceedings.

15. Furthermore, the petitioners' stance is entirely based on project-based employment. It is a well-settled principle that temporary, contract, or project employees do not acquire any vested right to claim regularization or continuation beyond the tenure of the project. The Courts have consistently held that the engagement of such employees is purely on a contractual or project basis, and no legal or equitable claim arises for permanent employment. Reliance in this regard is placed on *Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and others v. Intizar Ali and others* [2022 SCMR 472] and *Secretary Local Government, Election, Rural Development, Khyber Pakhtunkhwa and others v. Muhammad Tariq Khan and others* [2021 SCMR 1433], wherein it was held that

8. Admittedly, the respondents were contract employees and were hired by the Project Management Unit for the project of slum upgrading, site and service etc, which subsequently came to an end and the respondents were terminated from service. This Court in a number of cases has held that contract/project employees have no vested right to claim regularization. The direction for regularization, absorption or permanent continuance cannot be issued unless the employee claiming regularization had been appointed in pursuance of a regular recruitment in accordance with relevant rules and against the sanctioned vacant posts, which admittedly is not the case here....."

16. Moreover, the policy governing the projects in question clearly provided that employees appointed on a project basis would automatically stand terminated upon the completion of the project. The only exception was that such employees could be re-appointed on a need basis if the project was extended to a new phase or phases. Appointments

to regular or newly created posts were to be made through advertisement and open competition. Executive policy-making, including the determination of which posts to retain or abolish, falls within the prerogative of the executive, based on need, resources, and fiscal space, and is not subject to judicial interference under the Constitution. Reliance in this regard is placed on *Government of Khyber Pakhtunkhwa through Secretary Agriculture, Livestock and Cooperative Department, Peshawar and others v. Saeed-ul-Hassan and others* [2022 PLC (C.S.) 164, Supreme Court of Pakistan].

17. The policy governing project posts made it clear that upon conversion of a project to the regular budget, the services of project employees would routinely terminate. In this Context, the Petitioners were fully aware of these terms when they applied and was appointed. Support is drawn from the case of (*Government of Khyber Pakhtunkhwa through Chief Secretary and others v. Muhammad Younas* [2021 SCMR 1045]).

18. In general, a "project" denotes a temporary endeavor for a fixed period, after which employees hired specifically for that project must be relieved. This principle is supported by *Government of Khyber Pakhtunkhwa through Secretary Health, Peshawar and others v. Jawad Ali and others* [2021 SCMR 185] and *Pakistan Railways through Chairman, Islamabad and another v. Sajid Hussain and others* [2020 SCMR 1664]. The relevant portion of the said judgment is reproduced below:

"In ordinary terms, the word 'project' is used to denote any undertaking which is for a limited time period and after the objective for which the said project has been set up is achieved, funding for the same dries up and employees who are hired for a limited time period for duration of the project have to be relieved from their duties owing to the fact that the project has concluded, the funding has ceased and the very basis on which such employees were hired has come to an end."

19. The Supreme Court has consistently held that employees of time-bound projects have no automatic right to regularization. Reliance is placed on *Deputy Commissioner Upper Dir and others v. Mst. Nusrat Begum* [2022 SCMR 964] and *Province of Punjab through Secretary Agriculture Department, Lahore v. Muhammad Arif* [2020 SCMR 507] as it was held that:

"We do not find any force in the argument of learned counsel for

the respondents that they were discriminated against in so far as contracts of some of the contract employees were extended while those of others were not. In our opinion, in so far as it related to contract employees of the project, it is prerogative of the project management to determine which employees are required for the extended period and stage of the project for effective implementation of the same."

20. The project in question was neither made permanent nor included in the regular government budget, and the posts depended on donor funding. Mere extension of the project did not entitle petitioners to regularization. Project management alone decided which employees were needed, and no vested right existed to demand preservation. Reference is made to (*Mumtaz Ali Panhwar and 332 others v. Province of Sindh through Chief Secretary and 2 others* [2024 PLC (C.S.) 1487]).

21. The High Court cannot step into the shoes of the appointing authority. While exercising jurisdiction under Article 199 of the Constitution, it cannot alter or extend the terms of a contract of employment to favor an employee. When an employee accepts a project post, he is aware that employment ends with the project's completion or cessation of funding. Forcing the Government to accommodate such employees exceeds the powers of the High Court and imposes an undue burden on the public exchequer. The employer retains the prerogative to determine terms of service and follow due process in appointments. This proposition finds support from the case of (*Government of Khyber Pakhtunkhwa through Secretary Forest, Peshawar and others v. Sher Aman and others* [2022 SCMR 406]).

22. In view of the foregoing reasons and discussion, the contempt applications, along with the other listed applications and further claims of the petitioners, to which they are not entitled, are hereby dismissed.

10/3/2024 JUDGE
JUDGE
10/3/2024
App. in Dismissal