

**IN THE HIGH COURT OF SINDH, CIRCUIT
COURT, HYDERABAD**

CP No.D-1664 of 2025

[Mudasir Ali Bhatti & others v. Province of Sindh & others]

Before:

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Riazat Ali Sahar

Petitioners: Mudasir Ali & others through Mr. Bhagwan Das Bheel, advocate

Respondents: Province of Sindh and others through M/s. Allah Bachayo, Muhammad Ismail Bhutto & Rafique Ahmed Dahri, Additional / Assistant Advocate General(s) Sindh, along with Dr. Sadiq Ali Baloch, Deputy Director, (O&D), Dr. Imtiaz Ali Shah, Additional District Health Officer, Jamshoro, Dr. Shahmeer, Medical Officer on behalf of DHO Dadu, and Syed Mehroz Ali Kazmi, DAO Hyderabad.

Date of hearing: 18.11.2025.

Date of decision: 18.11.2025.

J U D G M E N T

RIAZAT ALI SAHAR, J: - Through this petition, the petitioners seek the following reliefs:-

- a) That this Honourable court may be pleased to direct the respondent No.1 to 3 to reinstate/regularize the services of petitioners as Data Entry Operators and General Public Volunteers with all service benefits.
- b) That this Honourable Court may be pleased to direct the respondents No.1 to 3 not to take any coercive action against the petitioners and allow them to continue their services as Data Entry Operators and General Public Volunteers with monthly salaries till the final decision of this petition.
- c) Cost of the petition may be saddled upon the respondents.

- d) Any other relief which this Honourable court deems fit and proper may be awarded to the petitioner.

2. The case of the petitioners is that they were initially engaged as Data Entry Operators and General Public Volunteers on a daily-wages basis. Their engagements were extended from time to time on account of satisfactory performance acknowledged by their supervisory officers. It is further asserted that upon submission of a summary to the Chief Minister for extension and release of salaries of COVID-19 Doctors, Technical Staff, and Supporting Staff, funds amounting to Rs.810,809,400/- were released for the disbursement of salaries among the employees. Subsequently, an additional amount of Rs.159,417,600/- was released for the period April 2023 to June 2024 for 368 employees of technical and para-medical supporting staff, which, according to the petitioners, substantiates their satisfactory performance. However, the petitioners submit that in a meeting of the Health Department, it was decided that the services of 2,423 personnel, including COVID Vaccination Centre staff, undergraduate medical students, community workers, and Data Entry Operators, were no longer required and consequently they were terminated. They further stated that the District Health Officers of Hyderabad, Matiari, Badin, Dadu, Jamshoro and others addressed letters to the Director General Health Services recommending that the workers engaged during COVID-19 on Rs.600/- per day be considered for immediate regularization. Aggrieved by their termination, the petitioners have invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking their reinstatement and regularization.

3. Pursuant to Court notice, the contesting respondents have filed comments admitting that 5,900 skilled and supporting personnel were hired across the province for COVID-19 vaccination centers on a daily stipend of Rs.600/- per day. However, it has been clarified that extensions were granted only to those employees who remained regular and punctual for the prescribed period of 89 days. They further stated that COVID-19 ended in 2022; thereafter, petitioners and other hired personnel were utilized for miscellaneous assignments. The respondents stated that pursuant to the decision of the Provincial Cabinet dated 07.08.2025, the services of all such hired personnel were terminated. They stated that the petitioners were fully aware at the time of hiring that their engagement was purely on a daily-wages / contingent basis,

with remuneration of Rs.600/- per day for 89 days only, and that they had accepted these terms and conditions.

4. Learned counsel for the petitioners contended that pursuant to the advertisement dated 20.08.2021, the petitioners applied for the posts of Data Entry Operators and General Public Volunteers. He contended that the petitioners continuously performed their duties satisfactorily and, as a consequence thereof, their tenure was extended from time to time without any adverse remarks or complaints. He further contended that keeping in view their satisfactory performance and the ongoing need, the Director General Health Services, Sindh, through a letter addressed to the Secretary Health, Government of Sindh, recommended the regularization of services of the workers employed during the COVID-19 period. Learned counsel, while placing reliance on the order passed by this Court in C.P. No. D-486 of 2007 contended that this Court has already held that discriminatory treatment resulting in the removal of low-paid employees, who depend on such employment to support their families, is impermissible, and action is to be taken against authorities who misuse their powers in such a manner. He further contended that once an offer letter or appointment letter has been issued, the services of an employee cannot be terminated through a mere administrative direction. Learned counsel contended that the petitioners are adequately qualified, possess unblemished service records, yet have been subjected to discrimination by the respondents, resulting in their abrupt termination, thereby rendering them jobless and causing severe hardship in meeting their basic livelihood needs. He further contended that such actions are in violation of Article 19 of the Constitution. He further contended that no fresh recruitment has been carried out in the Health Department for several years, despite the urgent and acknowledged need for strengthening the healthcare workforce. However, instead of regularizing the petitioners, who have been serving for substantial periods, the respondents have terminated their services, depriving them of their constitutional right to earn a livelihood guaranteed under the Constitution of the Islamic Republic of Pakistan.

5. Conversely, learned Additional/Assistant Advocate General Sindh supported the comments filed on behalf of the respondents and contended that the engagement of the petitioners was purely on a daily-wages basis to meet the emergent situation arising out of COVID-19. They contended that pursuant to the decision of the Provincial Cabinet

dated 07.08.2025, the services of all such personnel were terminated. They also contended that the petitioners, at the time of their hiring, were fully aware that their employment was on a daily-wages/contingent basis, with pay of Rs.600/- per day for a period of 89 days only, and that they had accepted these terms and conditions. In these circumstances, no cause of action accrued to the petitioners to seek reinstatement or regularization, as their services stood validly terminated upon expiry of a certain period; hence, they are not entitled to the relief claimed and the petition is liable to be dismissed.

6. We have heard the learned counsel for the parties and examined the material available on record. It is an admitted position that the petitioners were engaged pursuant to a public advertisement dated 20.08.2021 and have continuously served as Data Entry Operators and General Public Volunteers for several years. Their engagements were repeatedly extended on account of their satisfactory performance, and no material has been placed before us to demonstrate that any of them was ever issued adverse remarks, show-cause notices, or complaints regarding misconduct or inefficiency. The record further shows that departmental officers, including various District Health Officers, recommended their regularization, acknowledging that the functions being performed by the petitioners were of permanent and ongoing nature rather than temporary, one-time assignments.

7. Although the petitioners were initially appointed on a daily-wage/contingent basis, the law is now well-settled that the mere use of the term "daily-wage" does not empower the employer to perpetually keep an employee in temporary status when the duties are permanent and continuous. The Supreme Court of Pakistan in *Pir Imran Shah v. Government of Punjab* held that when employees continuously perform duties of a permanent nature and the department continues to utilize their services year after year, the State cannot arbitrarily discontinue them without justifiable reasons, as this would amount to exploitation and violation of Articles 4, 9, and 25 of the Constitution. Similarly, in *Miss Naureen Akhtar v. Secretary Education*, the Supreme Court held that long and continuous service, even if initially contractual, creates a legitimate expectation of fair treatment, and such employees cannot be removed unilaterally where the need for their services persists.

8. Furthermore, the doctrine of non-arbitrariness under Article 4 of the Constitution mandates that no adverse action affecting livelihood may be

taken except in accordance with law, fairness, and due process. The abrupt termination of workers by a blanket administrative order, without evaluating the nature of their duties, length of service, or performance, amounts to an arbitrary and mechanical exercise of authority, which has repeatedly been deprecated by superior courts. The petitioners' case is further strengthened by the principle affirmed by this Court in several pronouncements, wherein it was held that low-paid employees performing essential public functions cannot be discarded discriminatorily after consuming their productive years, especially when their work is continuous and needed by the department.

9. From the record, it is established that the petitioners have been continuously rendering service for several years, during and after the COVID-19 emergency, performing functions essential to the public health system. These duties did not cease with the pandemic; rather, they are part of the regular operations of the Health Department, demonstrating that the posts themselves are permanent in nature, even if the respondents chose to designate them as temporary.

10. In such circumstances, the respondents cannot simply "say goodbye" to the petitioners after consuming their youth and labour, particularly in the absence of misconduct or redundancy. Doing so would violate their constitutional right to livelihood as protected under Articles 9 and 18, and would amount to an act of exploitation prohibited by Article 3 of the Constitution.

11. Accordingly, we hold that the petitioners' termination is not within the parameters of law rather arbitrary, and of no legal effect. Since the nature of the work continues and the department itself admits to an ongoing need for technical and supporting staff, the petitioners shall continue to serve on their existing terms until a fresh, transparent recruitment process is undertaken in accordance with law.

12. However, to maintain fairness and transparency in public employment, we direct that whenever the respondents initiate regular recruitment for these posts, the petitioners shall be allowed to participate in such a recruitment process. They shall be granted age relaxation proportionate to their period of service. They shall be given preference/weightage on account of their experience and long service, as recognized by various precedents, including Miss Naureen Akhtar and Pir Imran Shah cases supra. Since the appointment of the petitioners has been made through a competitive

process as such if the department does not intend to advertise the posts permanently, the petitioners case shall be placed before the competent authority for regular purposes.

13. In view of the above, the petition is allowed in the terms stated.
No order as to costs.

JUDGE

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