

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-1681 of 2016  
(Arsalan Ghous & others versus Province of Sindh & others)  
Constitutional Petition No. D-1700 of 2016  
(Akhtar Ali versus Province of Sindh & others)

Date	Order with signature of Judge
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Mr. Justice Adnan-ul-Karim Memon  
Mr. Justice Zulfiqar Ali Sangi

**Date of hearing and order:- 21.04.2026.**

M/s. Faheem Ahmed Abro & Kazim Ali Khan Abbasi, advocates for Petitioners.  
Mr. Masroor Ahmed advocate for Karachi Water & Sewerage Board.  
Mr. Abdul Jalil Zubedi, Assistant Advocate General  
Mr. Ghazanfar Ali Khan, Director Personnel K.W & S.B.

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**ORDER**

**Adnan-ul-Karim Memon, J.** The petitioners have invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking declaratory and consequential reliefs against the unlawful actions of the respondents with the request that the impugned action of reverting the petitioners' status from regular to adhoc after their regularization, along with the stoppage of their salaries, be declared illegal, without lawful authority, and of no legal effect. The petitioners further seek a declaration that they continue to be regular employees of the Karachi Water & Sewerage Board, and that the period from September 2015 till date, during which their salaries have been withheld, be treated as continuous service with entitlement to full salaries and all consequential benefits. It is also prayed that the circular dated 05.10.2015, being in conflict with Rule 28 of the Karachi Water & Sewerage Board Employees (General Conditions of Service) Rules, 1987, be declared void and set aside, along with all actions taken pursuant thereto, including the termination of the petitioners, which is likewise illegal and without legal effect.

2. Learned counsel for the petitioners submits that the petitioners, being regular employees of the Karachi Water & Sewerage Board, were lawfully appointed against permanent posts and subsequently confirmed in service in accordance with the relevant statutory rules and the Karachi Water & Sewerage Board Act, 1996. It is contended that, after due process of appointment, upgradation, and confirmation, the status of the petitioners as regular employees could not have been altered except in accordance with law. It is further argued that the respondents, without any lawful authority, notice, or due process, arbitrarily reverted the petitioners' status from regular to ad hoc, merely reflecting

such change in pay slips without issuance of any formal order. This was followed by stoppage of salaries and prevention from discharging official duties, which, according to learned counsel, is wholly illegal, violative of the service rules, and in breach of the fundamental rights guaranteed under the Constitution. Learned counsel emphasizes that no show-cause notice, inquiry, or opportunity of hearing was ever afforded to the petitioners prior to the impugned actions, rendering the same void ab initio and hit by the settled principle that no one shall be condemned unheard. It is also contended that there exists no provision in the applicable rules or law permitting the conversion of regular service into ad hoc service once regularization has been validly made. It is further submitted that the circular dated 05.10.2015, on the basis of which the impugned actions have been taken, is in direct conflict with Rule 28 of the Karachi Water & Sewerage Board Employees (General Conditions of Service) Rules, 1987, and therefore has no legal effect. Even otherwise, learned counsel argues that ad hoc appointments cannot be terminated automatically without compliance with the mandatory requirement of notice, nor can salaries be stopped without lawful justification. It is also contended that even if the petitioners are assumed to be ad hoc employees, their long and continuous service entitles them to regularization under Section 3 of the Sindh (Regularization of Adhoc and Contract Employees) Act, 2013, and their services could not have been terminated in the manner adopted by the respondents. In view of the foregoing, learned counsel submits that the impugned actions of the respondents, including the change of status, stoppage of salaries, and consequential deprivation of service benefits, are illegal, without jurisdiction, and liable to be set aside, with directions for restoration of the petitioners' status as regular employees along with payment of all withheld salaries and consequential benefits. He prayed to allow this petition.

3. Learned counsel for the respondent-Karachi Water & Sewerage Board submits that the petitioners were never validly appointed as regular employees, as their initial appointments were made on ad hoc basis without fulfilling mandatory codal formalities, including advertisement of posts and recommendation of the Selection Committee, in violation of the Karachi Water & Sewerage Board Employees (APT) Rules, 1987. It is contended that such appointments, having been made in disregard of the prescribed procedure, were void ab initio and could not confer any vested right upon the petitioners. It is further argued that although certain orders of regularization were issued, the same were also without lawful authority and contrary to the governing rules, and therefore liable to be treated as non est. Upon realization of these irregularities, the competent authority, through circular dated 06.10.2015, directed that all such ad hoc appointees be discontinued after expiry of the prescribed period, and consequently their services were terminated and salaries stopped in accordance with law. Learned counsel

maintains that, since the petitioners were ad hoc employees appointed for a limited duration under Rule 17, no show-cause notice or prior hearing was required for discontinuation of their services. It is also contended that the impugned action was not discriminatory, as it uniformly applied to a large number of similarly placed employees. It is further submitted that the petitioners cannot claim benefit of regularization under the Sindh Regularization of Adhoc and Contract Employees Act, 2013, as the said law is not applicable to the Karachi Water & Sewerage Board, which is governed by its own statutory framework. In view of the above, learned counsel contends that the impugned actions were lawful, within jurisdiction, and in accordance with the applicable rules, and therefore the petitions are liable to be dismissed.

4. We have heard learned counsel for the parties and perused the record with their assistance.

5. Both petitions, bearing Nos. 1700 and 1681 of 2016, were dismissed for non-prosecution vide order dated 16.04.2025; however, Petition No. 1681 of 2016 was subsequently restored vide order dated 12.03.2026. Since both petitions arise out of the same cause, they are taken up together, and Petition No. 1700 of 2016 is also restored to its original position for decision on merits.

6. This Court, in the case of the collgues of the petitioners, vide order dated 27.10.2021 passed in C.P. No. 4915 of 2016, had directed the Selection Committee to verify the credentials of the petitioners and examine whether their initial appointments were made in accordance with the relevant rules, with an undertaking on behalf of the respondents that the cases would be considered upon restoration of the Committee. Learned counsel for the respondents submits that the Departmental Promotion & Selection Committees were subsequently constituted and convened in February 2026, whereupon all petitioners were called, their cases reviewed, and testimonials scrutinized.

7. Upon hearing the parties and perusal of the record, it transpires that the petitioners' initial appointments were made on ad hoc basis without compliance with mandatory codal formalities under the relevant rules. The Committees, after due review, found material irregularities including lack of advertisement, qualification discrepancies, and overage. Although the delay in implementing the earlier order has been explained and rectified, the legal position remains that such irregular appointments do not confer any right of regularization. Accordingly, the actions of the respondents in discontinuing the ad hoc appointments and reviewing the cases in accordance with law were held to be valid, and the petitioners in the subject petition were foind not entitled to regularization and

their contempt application was disposed of vide order dated 5.3.2026 in these terms.

8. In view of the foregoing facts and circumstances, this Court is of the considered opinion that the petitioners have failed to establish any vested or enforceable right in their favour. Admittedly, their initial appointments were made on ad hoc basis without adherence to the mandatory requirements of law, including advertisement of posts and recommendation of the Selection Committee, as envisaged under the Karachi Water & Sewerage Board Employees (Appointment, Promotion & Transfer) Rules, 1987. Such appointments, being *dehors* the rules, are void ab initio and do not confer any legal right of regularization or continuation in service.

9. It is a settled principle of law that where the very foundation of an appointment is illegal, any subsequent action, including purported regularization, cannot cure the inherent defect. The record further reflects that the competent Departmental Promotion & Selection Committees, duly constituted in accordance with law, have re-examined the cases of the petitioners and found serious irregularities, including lack of transparency in recruitment, qualification mismatches, and overage, thereby reaffirming that the initial appointments were not made through a lawful process.

10. As regards the contention of violation of due process and absence of show-cause notice, it is to be noted that ad hoc appointments, by their very nature, are temporary and do not create a substantive right to hold the post. Their discontinuation upon expiry of the prescribed period, particularly when such appointments are found to be illegal, does not necessarily require adherence to the formalities applicable to regular employees. Moreover, the impugned action was taken uniformly against a large number of similarly placed employees, and therefore cannot be termed as arbitrary or discriminatory.

11. The reliance placed by the petitioners on the Sindh Regularization of Adhoc and Contract Employees Act, 2013 is also misconceived, as the said statute is not applicable to the respondent organization, which is governed by its own statutory framework. Even otherwise, regularization cannot be claimed as a matter of right where the initial entry into service itself is tainted with illegality.

12. Furthermore, this Court has already adjudicated upon an identical controversy in the case of similarly placed employees, wherein it was held that such irregular appointees are not entitled to regularization. The petitioners, being similarly situated, cannot claim any better footing.

13. In these circumstances, the impugned circular dated 05.10.2015 and the consequential actions taken by the respondents cannot be termed as illegal or without lawful authority. Rather, the same were issued to rectify irregularities and ensure compliance with the governing rules and principles of transparency in public employment.

14. Consequently, these petitions, being devoid of merit, are hereby dismissed, along with all pending applications, with no order as to costs.

JUDGE

JUDGE

Shafiq