

IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No.D-4449 of 2024

(Raza Muhammad & others versus Province of Sindh and others)

Before:

Justice Muhammad Karim Khan Agha

Justice Adnan-ul-Karim Memon

Date of hearing & Judgment: 17.10.2025

Mr. Khadim Hussain advocate for the petitioners

Ms. Saima Imdad, Assistant Advocate General

ORDER

Muhammad Karim Khan Agha, J. Petitioners have filed this Constitutional Petition seeking a declaration of entitlement to regularization on BPS-1 posts (Naib Qasid/Sweeper) at LARMIS Sindh from the date of their contractual appointments, with all benefits.

2. LARMIS, a project under the Board of Revenue, Sindh, hired petitioners on a contract basis for smooth project operations after completion of legal formalities. Their contracts were extended periodically and continue to date. The project computerized land records and established 27 service centers across Sindh. After approval of service rules on 16 June 2020, the petitioners became eligible for regularization under Section 3 of the Sindh Regularization of Adhoc and Contract Employees Act, 2013.

3. Counsel for petitioners contends that they are not civil servants under the *Sindh Civil Servants Act, 1973*, but contractual employees appointed transparently with the competent authority's approval. Their work is of a permanent nature, and denial of regularization violates fundamental rights under Articles 2-A, 3, 4, 8, 9, 14, 18, 25, 27, 31, 37 & 38 of the Constitution. learned counsel submitted that the petitioners are well qualified and have the requisite experience after the initial appointment, thus joining the fresh process with other candidates is unfair, and if they are forced to apply afresh, then there shall be no difference between them and outsiders applying for the subject posts. He further argued that employment is the source of livelihood and the right to livelihood is an undeniable right of a person; therefore, the petitioners who have served the respondent-LARMIS for such a long period would deserve to be given a fair chance of regularization in the given situation from the date of initial appointment. He argued that on account of their experience of the subject posts, they are fit and qualified to retain the said posts on a regular basis; however, they have reservations about the requisition and issuance of public notice by the respondent- LARMIS for the sole purpose of getting rid of the petitioners from their postings.

4. The learned Assistant Advocate General opposed the petition and sought its dismissal inter alia on the ground that the petitioners were appointed on a contingent/contract basis in the Land Utilization & Revenue Management Information System (LARMIS), under the administrative control of the Board of Revenue, Government of Sindh. The petitioners seek regularization of their services from the date of their contractual appointments with all ancillary benefits. In this regard, reliance is placed on the judgment of the Supreme Court of Pakistan dated 25.03.2021 in C.P. No. 2210-I/2020 to C.P. No. 2239-I/2020 and C.M.A. No. 489-I/2021, wherein it has been held that the “Regularization of a contractual employee is a fresh appointment into regular service. Contractual employees have no vested right to regularization, nor can such regularization be retrospective in effect. The benefit of regularization is always prospective from the date of regularization.” In light of the above judgment, the petitioners are not entitled to regularization from the date of their contractual appointment. Regularization, if any, can only take effect prospectively as per the settled law.

5. Heard both sides and perused the record.

6. Record further revealed that the petitioners were appointed on a contract basis to run the operations of Peoples Service Centre in 27 districts of Sindh, and are in employment/service for several years and project on which they were appointed had also been taken over by the provincial Government on the regular budget for the Financial year 2017-2018 as disclosed in the order dated 14.01.2022 in CP.D-No. 128 of 2020, therefore, their status as project employees had ended once the Finance Department Government of Sindh had sanctioned the regular posts to run the computerized land record facility across the Province.

7. During arguments, we have been informed that the Summary had been floated by the respondents to the Competent Authority, with the proposal that the services of the petitioners be retained/regularized in the public interest for successful implementation of the computerization of land records in Sindh. At this stage learned counsel for the petitioners, has heavily relied upon Para 9.10 (b) of the minutes of the meeting of Provincial Cabinet held on 29.3.2018 and argued that Provincial Cabinet has decided to regularize the contract employees vide letter dated 18.04.2018; they fulfill the criteria and are qualified for the job; and, they are working to the satisfaction of the respondent-department and relied upon the decision of Supreme Court rendered in the case of Pir Imran Sajid and others versus Managing Director/Regional Manager (Manager Finance) Telephone Industries of Pakistan, 2015 SCMR 1257. Primarily, the decision of the Hon'ble Supreme Court of Pakistan cited by him on the subject is clear in its terms on the premise that the names of candidates were specifically recommended for regularization by the Cabinet, whereas in the subject matter though there is no

specific directive of the Provincial Cabinet in its meeting held on 29.03.2018 about the regularization of the service of the petitioners. Even otherwise, after the decision of the cabinet, the legislative instrument needs to be prepared for approval of the Provincial Assembly to sanctify the decision of the cabinet. An excerpt of the minutes of the meeting of the Provincial Cabinet held on 29.03.2018 is reproduced as under:

“ Para 9.10(b): The Cabinet also decided in principle to direct all the Departments to initiate the process of regularization of the contract employee, if they fulfill the criteria, are qualified for the job, and they are working to the satisfaction of the respective departments. ”

8. Primarily, the Regularization of a contractual employee is a fresh appointment into regular service. Contractual employees have no vested right to regularization, nor can such regularization be retrospective in effect. The benefit of regularization is always prospective from the date of regularization. However, in the present case, the Cabinet decision on 29.03.2018 (Para 9.10(b)) is clear in that Departments to initiate the process of regularization of the contract employee, if they fulfill the criteria, are qualified for the job, and working to satisfaction.” Besides Finance Department has sanctioned regular posts for running computerized land record facilities. This strengthens for prospective regularization, as regular posts exist and the government has discretion to regularize employees from the date of policy or decision, not the contract start date.

9. prima facie, Petitioners do not have a vested right to retrospective regularization from the date of their initial contract. Regularization, if granted by the respondents, will be prospective, effective from the date of approval by the competent authority, not from the original appointment. In such circumstances, the Petitioners' case may be considered for regularization in line with the orders passed by this Court in CP.D-No. 128 of 2020, subject to their meeting the criteria under Cabinet decision on 29.03.2018 (Para 9.10(b)). This exercise shall be completed in three months.

10. This petition stands disposed of in the above terms.

HEAD OF CONST. BENCHES

JUDGE