

HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD

C.P No.D-1836 of 2023

[Bilal Ahmed vs. Province of Sindh and Others]

BEFORE:

JUSTICE ADNAN-UL-KARIM MEMON

JUSTICE RIAZAT ALI SAHAR

Mr. Muhammad Zakria Baloch, advocate for petitioner(s)

Mr. Rafique Ahmed Dahri, Assistant A.G. Sindh

Date of hearing & decision: 20.11.2025

ORDER

ADNAN-UL-KARIM MEMON J.- Through this petition, the petitioner seeks regularization of his employment on the post of Malhi or his appointment to any other suitable position in accordance with his qualifications.

2. Learned counsel for the petitioner contends that the petitioner was appointed on 11.04.2016 under the work-charged establishment of the Forest Department, Hyderabad, on a fixed monthly salary of Rs. 5,000/-. Since his appointment, the petitioner has been performing his duties diligently and without any complaint. It is argued that the petitioner approached the respondents for regularization of his services, and respondent No. 3, through a letter dated 27.10.2021, recommended his case to respondent No. 2. Despite this recommendation, the petitioner has been left pursuing the matter without any result, and his salary has remained discontinued since 2019. Counsel submits that several similarly placed employees in various departments have already been regularized; therefore, the petitioner is also entitled to similar treatment. Accordingly, he seeks directions for the regularization of the petitioner's services as Malhi or his appointment to any suitable post in line with his qualifications.

3. The learned AAG Sindh contends that the petitioner was engaged on a work-charged basis and his services were discontinued in June 2019, hence he cannot claim regularization and the petition is not maintainable. Regarding similar treatment, it was submitted that the petitioner's colleagues appeared in Civil Petition No. 687-K/2016, in which the Supreme Court, by order dated 13.07.2017, ruled in favor of Ghulam Hussain Khoso and the other co-petitioners, Arbab Khoso and Ali Gul Khoso, were subsequently appointed on the recommendation of the Advocate General Sindh. Similarly, Waseem Nawaz, initially appointed on a work-charged basis, was later regularized due to his satisfactory performance. The principle in **1996 SCMR 1158** (*Hameed Akhtar v. Secretary, Establishment*

Division) establishes that once a matter concerning a particular category of employees is decided, similarly placed candidates are entitled to the same relief without repeated litigation.

4. Upon examining the record and hearing arguments from both sides, it is observed that the petitioner was initially appointed on a work-charged basis and has been performing his duties diligently, while it was pointed out by the learned AAG Sindh during course of arguments that the petitioner's services were discontinued in June 2019 and thus he cannot claim regularization, the principle established by the Hon'ble Supreme Court of Pakistan in Civil Petition No. 687-K/2016 is directly relevant. In that case, the Supreme Court disposed of the petition in favor of the petitioner Ghulam Hussain Khoso, acknowledging his appointment and granting redress of grievance. Further, the Court's approach has been applied to similarly situated employees, such as M/s Arbab Khoso and Ali Gul Khoso, whose appointments were regularized in view of the Advocate General Sindh's recommendation. The principle laid down in **1996 SCMR 1158** (*Hameed Akhtar v. Secretary, Establishment Division*) reinforces that once a matter concerning a particular category of employees is decided, similarly placed employees are entitled to the same treatment without having to approach the Court repeatedly. Applying the same reasoning, the petitioner, being similarly situated to those in Civil Petition No. 687-K/2016, is entitled to regularization of his services on the post of Malhi or appointment to any other suitable post in accordance with his qualifications. His continuous and diligent performance since 11.04.2016, combined with the recommendation of respondent No. 3 dated 27.10.2021, supports this entitlement.

5. The respondents are hereby directed to continue the services of the petitioner and regularize his services against the post of Malhi or appoint him to any suitable post in line with his qualifications, ensuring that all due salary arrears from June 2019 onwards are released.

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

JUDGE

JUDGE

Sajjad Ali Jessar