

HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD

C.P. No.D-2052 of 2021

[Imdad Ali Luhur Baloch vs. Federation of Pakistan and others]

BEFORE:

**JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE RIAZAT ALI SAHAR**

Mr. Jaleel Ahmed Memon, Advocate for Petitioner

M/s. Muhammad Arshad S. Pathan & Safdar Hussain Leghari, Advocate for respondents

Mr. Ghulam Abbas Sangi, Asst. Attorney General

Date of hearing & decision: 02.12.2025

ORDER

ADNAN-UL-KARIM MEMON J.- The petitioner, through this Constitutional Petition, requests that Respondent No. 3 be directed to regularize the petitioner's services with effect from 14.11.2005, along with all back benefits to which the petitioner is entitled. The petitioner further seeks an interim order restraining the respondents from taking any coercive action, including non-extension of the petitioner's contract, until the final decision of this Petition.

2. The petitioner's case is that he was appointed in HESCO/WAPDA on 14.11.2002 as a Line Superintendent-II on a contract basis in BPS-11 for one year, and his contract was periodically extended until 17.05.2006. After completing four years of service, his contract was neither extended nor was he regularized; instead, he was dismissed from service vide order dated 17.11.2006. He challenged this dismissal through a departmental appeal, which was allowed on 20.12.2013, and the period of his termination was treated as extraordinary leave without pay. The petitioner states that on 14.04.2015, the Executive Engineer, HESCO Kotri, wrote to the Superintendent Engineer, Operation Circle-II HESCO Hyderabad, recommending the regularization of his services, but no action was taken. He further submits that despite serving in HESCO since 2002, his services have not been regularized, whereas employees appointed on daily wages in 2013 were regularized in 2016. It is further asserted that in CP No. D-79 of 2020, filed by daily wage employees of HESCO, this Court, vide order dated 13.04.2021, directed the respondents to regularize their services, and in compliance, their cases were approved by the Board of Directors in its meeting held on 18.06.2021. The petitioner claims that although he has been serving since 2002, he has not been regularized, which amounts to discrimination by the respondents. He prayed to allow this Petition.

3. Learned Counsel for the respondents contended that the petitioner has no legal right to seek regularization with back benefits. He maintained that he was dismissed from service vide order dated 17.11.2006 and, although his appeal was allowed in 2014, resulting in reinstatement, the employees eligible for regularization during his dismissal period were regularized at that time under the specific policy, which is not available now to attract his case with his batchmates. He emphasized that since the petitioner was not in service during the relevant period, he could not be considered for regularization. The respondents' counsel therefore prayed for dismissal of the petition.

4. Heard learned counsel for the parties and examined the record.

5. The petitioner claims entitlement to regularization from the date his batchmates were considered, asserting continuous service since 2002, except for the period of dismissal that was subsequently condoned and treated as extraordinary leave without pay upon reinstatement. His grievance is that, despite long service, his case was never placed before the competent authority for consideration along with similarly placed employees. Conversely, the respondents argued that the petitioner cannot claim regularization as of right, particularly since, during the relevant period when regularization took place, he was under dismissal and therefore not in service.

6. After considering the respective stances, it is noted that the petitioner's reinstatement has effectively cured the intervening gap in service, restoring continuity for all practical purposes. Therefore, in the interest of fairness and to avoid discrimination, the competent authority of the respondents is directed to consider the petitioner's case for regularization along with his batchmates, strictly in accordance with law, relevant policy, and subject to fulfillment of the requisite criteria. The said exercise shall be undertaken and concluded within three months from the date of this order.

7. This Petition stands disposed of in the above terms.

JUDGE

JUDGE

Karar Hussain/PS*