

HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD

C.P. No.D-2903 of 2018

[Muhammad Asif v. Province of Sindh & others]

C.P. No.D-2904 of 2018

[Syed Muhammad Hyder Raza. Province of Sindh & others]

BEFORE:

JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE RIAZAT ALI SAHAR

Mr. Bakhtiar Ahmed Panhwar, advocate for the petitioner

Mr. Irfan Ali Bughio, Advocate for H.D.A., along with Nasrullah Abbasi, DG HDA

Mr. Zulfiqar Ali Korai, Advocate for respondent No.2

Mr. Rafiq Ahmed Dahri, Asstt: A.G.

Date of hearing & decision: 25.11.2025

ORDER

ADNAN-UL-KARIM MEMON J - This Court vide order dated 27.2.2024 disposed of the instant Petition. An excerpt of the order is reproduced below:-

“Learned counsel appearing on behalf of the petitioners have referred to the order dated 29.11.2023 passed by the Honourable Supreme Court of Pakistan in C.Ps No.1078-K, 1107-K to 1172-K/2022, the relevant paragraph No.2 whereof is reproduced hereunder:-

“In addition to this, no further appointment shall be made either permanently or on contract basis until and unless the respondents are regularized as per the above commitment made by the petitioner-Authority. As far as the question of the date of regularization is concerned, the same shall be determined under the provisions of the Sindh (Regularization of Adhoc and Contract Employees) Act, 2013. However, the commitment of regularization by the petitioner-Authority cannot be left open endlessly; therefore, the petitioner shall give effect to the commitment of regularizing the services of the respondents within a period of one year from today.”

Mr. Irfan Ali Bughio, learned counsel appearing on behalf of respondent No.2-HDA, undertakes that in the light of the aforesaid order of Honourable Supreme Court, the respondent-HDA will regularize the said employees who are working on a contract basis under the provisions of Sindh (Regularization of Adhoc and Contract Employees) Act, 2013. Learned counsel, however, submits that whenever the petitioners apply for regularization, the Committee shall consider their case according to the criteria fixed and under the provisions of the Sindh (Regularization of Adhoc and Contract Employees) Act, 2013.

In the light of the above undertaking given by the learned counsel for HDA, all these petitions are hereby disposed of alongwith pending applications, if any.”

2. Respondents 1, 3 and 4 have filed their statement in compliance with the Court’s order dated 23.10.2025. They submit that any delay in compliance was unintentional and they hold full respect for orders of the Court. It is stated that the work-charge/temporary employment of Petitioner Muhammad Asif ended on 05.06.2016 and that of Petitioner Syed Muhammad Hyder Raza ended on 30.06.2016, with no extension granted thereafter; therefore, both petitioners ceased to be the employees of department from June 2016 and have no vested right to seek regularization. The respondents further state that, in accordance with the Court’s earlier order dated 27.02.2024, the petitioners’ cases were examined under the Sindh (Regularization of Adhoc and Contract Employees) Act, 2013, and the guidelines notified by the Government. It was found that the petitioners do not meet the eligibility criteria, particularly because they were not appointed through public advertisement and competitive process. Their initial appointment letters also contain a clause clearly stating that they have no right to claim regularization. The department also submits that it is governed by the HDA Employees’ Regulations, 1988, which contain no provision for regularization of temporary or work-charge employees. It is further pointed out that this Court has already dismissed similar petitions, C.P. No. D-2565/2016, C.P. No. D-2190/2016, and C.P. No. D-2996/2018 vide order dated 11.02.2025, holding that employees appointed on similar terms with an express bar on regularization cannot claim regular status. The respondents, therefore, request that the contempt application be dismissed.

3. Heard the parties and examined the compliance report submitted by the respondents. The respondents contend that the petitioners’ work-charge appointments expired in 2016, that they were never appointed through a competitive process, and that their cases do not fall within the ambit of the Sindh (Regularization of Adhoc and Contract Employees) Act, 2013. The petitioners, however, maintain that their cases were required to be considered in light of the undertaking recorded in the Court’s order dated 27.02.2024.

4. To meet the ends of justice, and without entering into the merits of the parties’ respective claims, this Court deems it appropriate to direct the Head of HDA to afford the petitioners an opportunity of personal hearing on the issue of regularization of their services and the salary issue of the

intervening period. The competent authority shall reconsider the petitioners' cases strictly in accordance with law, the applicable Act of 2013, relevant regulations, and the criteria prescribed therein, and thereafter pass a speaking and reasoned order, ensuring that no discrimination is practiced.

5. The listed contempt application(s) stand disposed of in the above terms.

JUDGE

JUDGE

Karar Hussain/PS*