

**IN HIGH COURT OF SINDH, CIRCUIT COURT,
MIRPURKHAS**

CP No. D-1330 of 2024

PRESENT:

MR. JUSTICE ARBAB ALI HAKRO

MR. JUSTICE RIAZAT ALI SAHAR

Petitioner : Washu through Mr. Bhooro Bheel,
Advocate.

Respondents: Through Mr. Muhammad Sharif
Solangi, A.A.G. Sindh.

Date of Hearing : **14.01.2026.**

Date of Decision : **14.01.2026.**

JUDGMENT

RIAZAT ALI SAHAR J: -Through this Judgment, we intend to dispose of captioned petition filed by the petitioner with following prayers:-

- i. That the petitioner is fit person for regularization and respondent may be directed to regularize the service of petitioner as Fire Man BPS-01 w.e.f. 01.02.2010 or after completion three years service.*
- ii. Any other relief which this Honourable Court deems fit and proper in view of the above fact for protection of petitioners and in the interest of justice.*
- iii. Costs of the petition may be saddled upon the respondents.*

2. The petitioner has stated that he was initially appointed as Fireman (BPS-02) on contingent basis in the Taluka Municipal Administration, Umerkot and has continuously served the department for more than fifteen years. During service, he was deputed for specialized training in fire-fighting operations conducted by M/s Meraj Limited in July 2006 and successfully completed the same. The petitioner repeatedly sought regularization of his service,

whereupon the then Taluka Nazim recommended and confirmed his service as regular with effect from 01.02.2010 through formal office orders. Subsequently, requisite documents were furnished to the competent authorities for further processing of regularization. The petitioner has been paid salary, initially through bank accounts and later in cash and has also been deputed to different stations in the course of service. Despite fulfilling all eligibility criteria under Section 3 of the Sindh Regularization of Service Act, 2013, and despite regularization of similarly placed employees, the petitioner's case has not been considered, allegedly on *mala fide* and discriminatory grounds. Having become over-age for fresh employment and left without any alternate remedy, the petitioner has approached this Court for enforcement of his lawful right to regularization

3. Pursuant to the Court's notice, respondents Nos. 3 and 4 have filed their respective comments, wherein it is stated that the petitioner was engaged on daily wages. The respondents have not disputed that the petitioner successfully completed training in fire-fighting operations conducted by M/s Meraj Limited. It is further stated that the petitioner continued to work on daily-wages basis; however, pursuant to the directions of the Honourable Water Commission of the High Court of Sindh, the services of the petitioner were terminated. It has also been asserted that at present no funds are available with TMA Umerkot for appointment of any employee.

4. Learned counsel for the petitioner contended that the petitioner was initially engaged as Fireman and has continuously served the respondents for the last fifteen years with dedication and without any break. He contended that the petitioner was deputed for specialized fire-fighting training conducted by M/s Meraj Limited, which he successfully completed and thereafter continued to discharge his duties efficiently. Learned counsel contended that the petitioner's service was even recommended and confirmed by the Taluka Nazim, TMA Umerkot in 2010, creating a legitimate expectation of regularization. Learned counsel prayed for

regularization of service of the petitioner and protection against arbitrary termination.

5. On the other hand, learned A.A.G. Sindh opposed the petition and contended that the petitioner was engaged purely on daily-wages basis and never appointed on *ad hoc* or contract terms against any sanctioned post. He contended that the Sindh (Regularization of Adhoc and Contract Employees) Act, 2013 specifically excludes daily-wages and work-charge employees from its ambit. Learned A.A.G. further contended that no statutory provision exists for regularization of daily-wages employees and that length of service alone does not confer a vested right of regularization. He also pointed out that financial constraints and binding directions of the Water Commission of the High Court of Sindh bared fresh appointments, as such, the petition is not maintainable and is liable to be dismissed.

6. We have heard learned counsel for the parties and perused the material available on record. The core grievance of the petitioner is that despite rendering service for more than fifteen years as Fireman, his services have not been regularized and were subsequently terminated. The petitioner places reliance on his long service, completion of training and recommendations made by the local administration in his favour. However, the legal position on the subject is well settled. The Sindh (Regularization of Adhoc and Contract Employees) Act, 2013 was enacted with a specific and limited object to regularize the services of employees appointed on *ad hoc* or contract basis against sanctioned posts prior to the promulgation of the Act. The Act clearly defines “employee” as a person appointed on *ad hoc* or contract basis and expressly excludes daily-wages and work-charge employees from its scope. Section 3 of the Act further restricts regularization only to those categories expressly mentioned therein.

7. In the present case, it is not disputed that the petitioner was engaged on daily-wages basis and not appointed on *ad hoc* or contract terms against any sanctioned post. Mere continuation of

service for a long period, howsoever, sympathetic the case may appear, does not confer a legal or vested right of regularization in the absence of statutory backing. Recommendations or administrative letters issued by local authorities cannot override statutory provisions or create enforceable rights contrary to law.

8. Furthermore, the respondents have taken the position that the petitioner's services were discontinued pursuant to the directions of the Water Commission of the High Court of Sindh and that financial constraints also impede fresh appointments. No material has been produced to show *mala fide*, arbitrariness, or violation of any statutory rule warranting interference under constitutional jurisdiction. It is a settled principle that this Court, while exercising jurisdiction under Article 199 of the Constitution, cannot direct regularization of daily-wages employees in contravention of express statutory provisions, nor can sympathy substitute the mandate of law. Courts are bound to enforce the law as it stands and not as it ought to be.

9. In view of the above discussion, we do not find any lawful justification to grant the relief sought. The petition is therefore **dismissed**, being devoid of merit with no order as to costs.

JUDGE

JUDGE