

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Present:

Mr. Justice Adnan Iqbal Chaudhry

Mr. Justice Muhammad Hasan (Akber)

Constitution Petition No. D- 924 of 2026

[Syed Muzammil Abbas Shah v Province of Sindh & others]

For Petitioner : Mr. Achar Khan Gabol, Advocate

For Respondents : Mr. Israr Ahmed Shah, Assistant Advocate
General Sindh

Date of hearing : 21-10-2026

Date of order : 21-10-2026

JUDGMENT

Adnan Iqbal Chaudhry J.- The Petitioner was appointed as Caretaker by the Workers Welfare Board Sindh [WWBS] on work-charge basis i.e. temporarily on contract. This is his second petition for regularization of service, the previous one (C.P. No.D-945/2020) having been disposed of by order dated 19.09.2024 by referring his application to the WWBS to consider the same as per law. Apparently, the Selection Committee of the WWBS did consider the application but declined the same by observing that firstly, the Petitioner's services had already been terminated as far back as 29.04.2019, and secondly, he was not eligible for a regular post.

2. To state the obvious, a prayer for regularization of service by an employee who stands terminated from service, cannot be considered until he makes out a case for reinstatement in service. As observed by the Supreme Court in *Khushal Khan Khattak University v. Jabran Ali Khan* (2021 SCMR 977), followed by a Division Bench of this Court in *Inayatullah Lashari v. Commissioner Larkana*, 2024 PLC (C.S.) 460, continuity in service is a pre-condition to seeking regularization.

3. It is then elucidated by the Full Bench of this Court in *Muhammad Arif v. Federation of Pakistan*, 2025 PLC (C.S) 93, that even where an employee is amenable to writ jurisdiction, a writ under Article

199(1)(a)(i) of the Constitution can issue only to do a thing 'required by law to do'. It is in this context of what the 'law' requires to be done, that the test of statutory rules came about in cases where the employee was on contract and not a civil servant. It was thus laid down by the Supreme Court that where terms and conditions of employment are not governed by statutory rules but by contract or by regulations, instructions or directions intended for internal use, the violation thereof cannot be normally enforced through a writ petition. It was categorically held by the Supreme Court in *Province of Punjab v. Prof. Dr. Javed Iqbal* (2022 SCMR 897) and *Khushal Khan Khattak University v. Jabran Ali Khan* (2021 SCMR 977), that while exercising constitutional jurisdiction the High Court cannot revive or renew expired contracts or alter the terms and conditions of an employee's contract.

4. Nevertheless, even assuming that the Petitioner's employment contract was intact when he filed the first petition, it is by now settled law that in the absence of a statute or Government policy requiring or enabling the employer to regularize a contract employee, no writ can issue to do so under Article 199(1)(a) of the Constitution of Pakistan. The binding precedents of the Supreme Court holding so, have already been discussed by the Full Bench of this Court in *Muhammad Arif v. Federation of Pakistan*, 2025 PLC (C.S) 93 as follows:

"26. It is settled law that for a writ to issue under Article 199(1)(a) of the Constitution the petitioner has to establish that he is guaranteed a fundamental or legal right, as the object of the Article is the enforcement of a legal right and not the establishment of a legal right. The precedents binding us categorically hold that in the absence of a specific provision in the contract, or a law providing for regularization, contract employees do not have a vested right for regular appointment solely for long and satisfactory contractual service; and that, while exercising jurisdiction under Article 199 of the Constitution the High Court cannot extend the scope of a contract or alter the terms and conditions of employment in favour of the employee. These are pronouncements of the Supreme Court in *Muzaffar Khan v. Government of Pakistan* (2013 SCMR 304); *Government of Khyber Pakhtunkhwa, Workers Welfare Board v. Raheel Ali Gohar* (2020 SCMR 2068); *Owais Shams Durrani v. Vice-Chancellor Bacha Khan University* (2020 SCMR 1041); *Sui Southern Gas Company Ltd. v. Zeeshan Usmani* (2021 SCMR 609);

Government of Khyber Pakhtunkhwa v. Saeed ul Hasan (2021 SCMR 1376); Khushal Khan Khattak University v. Jabran Ali Khan (2021 SCMR 977); Pakistan Telecommunication Company Ltd. v. Muhammad Samiullah (2021 SCMR 998); Government of Khyber Pakhtunkhwa v. Sher Aman (2022 SCMR 406); Deputy Director Finance & Administration FATA v. Dr. Lal Marjan (2022 SCMR 566); and Vice Chancellor Agricultural University, Peshawar v. Muhammad Shafiq. The ratio decidendi of these precedents is that absent a statutory basis for regularization, an employee has no fundamental or vested right to regularization.”

5. Therefore, when there is no statute or Government policy applicable to the Respondents requiring or enabling them to regularize the Petitioner, no writ can issue to do so under Article 199(1)(a) of the Constitution. Resultantly, the petition is dismissed as not maintainable.

JUDGE

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