



Sindh (Regularization of Adhoc and Contract Employees) Act, 2013. The learned counsel for the petitioners argued that despite performing their duties on contract and or adhoc basis since long, no efforts have been made by the respondents for the regularization of their services, nor the Scrutiny Committee has been constituted to consider the cases of contractual employees as in other departments of Government of Sindh has been constituted. It was further argued that applications were submitted which were not taken into consideration.

2. So far as the case of the petitioner in C.P No.D-1876 of 2016 is concerned, the Deputy Director, HRDA of respondent (KW&SB) filed his comments in which it is stated that last contract was issued on 18.9.2015. He further stated that the vacancy of Law Officer (BS-17) is a regular post as per schedule of establishment of KW&SB, so as and when required the post shall be advertised in newspaper by the competent authority under KW&SB Employees (Appointment, Promotion and Transfer) Rules, 1987 and the Law Officer will be selected on merits through Selection Committee.

3. Learned counsel for the respondent (KW&SB) argued that advertisement has already been published and the present petitioner has applied for the said post. He undertakes that the case of the petitioner will be considered by the Selection Committee on merits and his past experience with KW&SB will also be taken into consideration for his future engagement with

KW&SB in view of the terms and conditions mentioned in the advertisement. The petitioner is present in court confirms that on expiry of his contract he has already applied and he was performing his duties as Law Officer since 2009, therefore, he claims legitimate expectation to be appointed for further period.

4. Since the learned counsel for KW&SB has given the clear statement, therefore, let the case of the petitioner be considered by the Selection Committee and while deciding the application of the petitioner, his past experience and performance will also be considered. This petition is disposed of accordingly.

5. In C.P No.D-6861 of 2015, it is an admitted position that during pendency of this petition, the contracts of service of the petitioners have been determined and they are no more in job. Learned counsel referred to an order passed by the Service Bench of this Court in C.P No.D-909/2014 and C.P No.D-910/2014 in which directions were given to the Secretary, Local Government Department to ensure that the Selection Committee is constituted in terms of Karachi Water & Sewerage Board (Appointment, Promotion & Transfer) Rules, 1987, so that the mandate given to the Selection Committee under the rules may be exercised. In this case learned counsel for the KW&SB referred to the comments in which it is stated that the petitioners were appointed on adhoc basis and not on regular basis. It was further stated that regular appointment will be made through advertisement by the Selection Committee as per

prescribed method of recruitment duly notified by the Government of Sindh under Rule 10 and 11 of KW&SB Employees (Appointment, Promotion and Transfer) Rules, 1987. Learned counsel for the KW&SB argued that the regularization is subject to availability of vacant posts and the process of selection will be initiated soon after advertisement in view of the dictum laid down by the honourable Supreme Court in various cases. It is further stated by the learned counsel that the advertisement will be published for all vacant posts in accordance with the rules in which the petitioners may also apply on merits.

6. The learned counsel for KW&SB has assured that if the petitioners will apply for permanent post, their past experience in the department will also be considered. While in C.P No.D-7900/20115 also, the adhoc engagement of the petitioner has expired. He further states that during this adhoc engagement no salary has been paid to him. The learned counsel for the KW&SB states that his salary has been calculated and it will be paid soon. In this case also the same defence has been taken in the counter affidavit that the employees appointed on adhoc basis cannot claim as a vested right and as and when advertisement will be published for the regular induction, the petitioner may also apply and join the process.

7. As a result of above discussion, aforesaid two petitions are also disposed of with directions to the respondents that as and

when the advertisement is published, petitioners may apply against the vacant posts and at the time of deciding their applications their past experience with the Department will also be considered by the Selection Committee of Karachi Water & Sewerage Board. It is further directed that if before selection process, the manpower is required on adhoc or contract basis for temporary period, the petitioners shall be given fair opportunity to provide/render their services on contract or adhoc basis as done in the past, till such time the posts are advertised and the process of regular appointment is initiated in a transparent manner.

JUDGE

JUDGE

Ayaz Gul