

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**C.P.No.D-5156/2015**

-----  
Date

Order with signature of Judge  
-----

**Present**

**Mr. Justice Muhammad Ali Mazhar**

**Mr. Justice Arshad Hussain Khan**

Muhammad Azam Abbasi & others.....Petitioners

V E R S U S

The Secretary,

Ministry of Textile Industry & others.....Respondents

**Date of hearing: 29.09.2016**

Petitioners M. Azam Abbasi, Aurangzaib, Pervez Masih, Nawaz Masih, Abdul Shakoor and Sauood Khan

are present in person.

Shaikh Liaquat Hussain, Standing Counsel.

Akhtar Hussain, Admin. Officer/Incharge.

on behalf of respondents.

-----

**Muhammad Ali Mazhar, J:** All the petitioners are performing their duties on daily wages and they have approached this Court for regularization of their services. In Paragraph 1 of the memo of petition, they have also mentioned their names and period of service rendered by them on daily wages. The details are as under:

**Names**

**Period of Service**

1.Aurangzaib	About 20 years
2.Muhammad Azam Abbasi	About 20 years
3.Pervez Masih	About 18 years
4.Abdul Shakoor	About 16 years
5.Nafisuddin	About 13 years
6.Anwar Shah	About 11 years
7.Sauood Khan	About 10 years
8.Nawaz Masih	About 09 years

2. The respondents Nos.1 and 2 have filed their comments and in Paragraph 9 it is clearly mentioned that Pakistan Cotton Standards Institute (PCSI) has requested the controlling ministry to regularize the services of 33 persons performing their duties

on daily wages and the ministry has asked the PCSI to fill the vacant position after advertising the same in the newspapers. The petitioners also complained that their salaries have been stopped, therefore, some directions were issued by this Court to Ahmed Kabir, Drawing & Disbursing Officer of the respondent No.2 on last date for payment of salary. Today, Mr. Akhtar Hussain, Admin. Officer of the respondent Nos.1 & 2 is present and he stated that in compliance of the last order passed by this Court, the salaries for the month of August, 2016 have been paid to all the petitioners. On the contrary, the petitioners submit that still five months' salary is unpaid to which the Admin. Officer categorically stated that within 45 days the arrears of five months' wages will also be paid to the petitioners and in this regard the matter will be referred to the Authority for sanctioning the quarterly grant/budget. So far as the regularization of the petitioners is concerned, the Admin. Officer submits that they may apply against the vacant positions which will be advertised soon in the newspaper. At this juncture, we would like to observe here that all the petitioners are performing their duties on daily wages for last several years and they have also mentioned the tenure of their services rendered by them on daily wages to the respondents No.2 in Paragraph 1 of the petition which has not been denied, rather in the comments, it is very fairly stated by the respondent No.2 that the contents of Para 1 of the petition are correct. So in our view when the petitioners have already served considerable length of period; hence at this stage the directions to them to apply afresh on the basis of advertisement, if any, published in future would be totally unjustified rather grave

injustice with the petitioners. At this stage one more important facet cannot be ignored that for last considerable period the petitioners are continuously performing their duties on daily wages which means that respondent No.2 and their management is fully satisfied with the performance of the petitioners, otherwise, there was no occasion to allow them to continue their services for such a long time on daily wages.

3. As a result of above discussion, this petition is disposed of with the directions to the respondents Nos. 1 and 2 to consider all the petitioners for their regularization keeping in view their performance and tenure of their services and pass necessary orders for issuing their appointment letters. So far as the payment of five months' arrears of salaries is concerned, the Admin. Officer has already assured to the Court that within 45 days the amount will be paid to them. Pending application is also disposed of. The respondents are directed to submit the compliance report within 45 days.

Copy of this order may be transmitted to the learned Standing Counsel.

Judge

Judge

Asif