

ORDER SHEET
HIGH COURT OF SINDH, KARACHI

C.P. NO.D-2390/2016

Date	Order with signature of Judge
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Present

Mr. Justice Muhammad Ali Mazhar
Mr. Justice Syed Saeeduddin Nasir

Hearing/ Priority

1. For orders on Misc. 29103/2016
2. For hearing of Misc.23612/2016
3. For hg.of Misc. 11423/2016
4. For hearing of main case.

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09.12.2016

Mr. Talha Makhdoom, Advocate for petitioners.
Mr. Abdul Jabbar Qureshi, AAG.
Mr. Masroor Ahsan, Advocate for respondent No.2.

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Muhammad Ali Mazhar,J: The case of the petitioners is that they were initially appointed against some vacancies in the Benazir Bhutto Shaheed Youth Development Program which were advertised during the period 2008 to 2013. The petitioners are performing their duties on contract basis. The Sindh Government promulgated Sindh (Regularization of Adhoc & Contract Employees) Act, 2013 and settled some modalities under Section 3 for considering the cases of regularization of employees performing their duties on adhoc or contract basis excluding the employees appointed on daily wages and work charge basis against the posts in BS-1 to BS-18 or equivalent basic scales. The petitioners have prayed that by virtue of the aforesaid Act, their regularization has become vested right so

they have approached this Court for some directions against the respondents to consider their cases for regularization.

2. Learned counsel for Respondent No.2 pointed out the comments filed by the Secretary, Human Resources Department Board, Chief Minister's Secretariat, Sindh in which though some legal objections have been taken but finally the promulgation of the aforesaid Act for regularization was admitted with further comments that the Sindh Government has constituted Scrutiny Committees to consider the cases for regularization and Respondent No.2 shall place all information regarding all persons on its Role to the Scrutiny Committees. Learned counsel has placed on record a copy of the Notification dated 16th September, 2014, whereby at least three Scrutiny Committees have been constituted to examine the eligibility of employees appointed on adhoc and contract basis. The terms of reference are also mentioned in this Notification.

3. As a result of the above discussion, Respondent No.2 is directed to prepare a working paper of the petitioners and forward the same to the concerned Scrutiny Committees for consideration. This exercise shall be completed within a period of three months. During this period, the employees already performing their duties shall not be terminated and their salary shall not be stopped.

4. At this juncture, learned counsel for the petitioners points out CMA 23612/2016 under Order 1 Rule 10 CPC filed for impleading two more applicants, Taimoor Ali and Mohammad Suleman Dashti. Learned counsel for Respondent No.2 submits

that though he has no objection for impleading them as party but these two persons are already in BS-20 which are beyond the domain or the mandate given under the law as well as the mandate given to the Scrutiny Committees. This fact has also been confirmed by learned counsel for the petitioners that these two intervenors are in BS-20. He submits that these intervenors have filed applications for their regularization on the basis of Benazir Bhutto Shaheed Human Resources Research and Department Board Act, 2013. On the contrary, learned counsel for Respondent No.2 submits that rules are to be framed under the Act but still no rules have been framed so far.

5. At this moment, we are dealing with the present petitioners, therefore, we do not want to pass any order on the intervenors' application, however, they are at liberty to file separate proceedings, if so advised in accordance with law for regularization of their services.

JUDGE

JUDGE