

ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI
C.P. No.D-1026 of 2007

Date _____ Order with signature(s) of Judge(s) _____

Present:

Muhammad Ali Mazhar, J.
Abdul Maalik Gaddi, J.

Mehmood Gul Petitioner
Versus
Province of Sindh & others Respondents

18th January, 2017.

None present for the Petitioner.
Mr. Sibtain Mehmood, A.A.G.

ORDER

Muhammad Ali Mazhar, J: On last date of hearing i.e. 08.02.2016, Mr. Safdar Hussain Advocate appeared and stated that the petitioner is not in his contact, however, as last chance, we adjourned the matter for today. Again neither the petitioner is present nor his counsel. The prayer of the petitioner is for declaration that he is civil servant and refusal of the respondents to regularize and not to post and pay the salary of the petitioner is illegal, unlawful and against the law. The prayer of the petitioner is mutually destructive. On one hand he claims to be civil servant, therefore, this court has no jurisdiction and the petition is barred under Article 212 of the Constitution and if the petitioner is claiming his regularization then also contractual obligations cannot be enforced through writ jurisdiction. We have also noted in paragraph No.14 that as per order of Sindh Services Tribunal, the petitioner submitted his application before the respondent No.1 but respondents have not regularized the service of the petitioner, while in paragraph No.15, he again asserts that he is a permanent employee. At page 61, copy of order passed by the Sindh

Services Tribunal in Appeal No.201 of 2006 is available, which shows the observation of Services Tribunal that admittedly the petitioner was appointed on contract basis and he failed to satisfy that the contract employees are civil servants and can approach to the Services Tribunal for redressal of their grievance. However, while dismissing the appeal, the further observation was made that Secretary Education Department may consider the request of the appellant for regularization on some humanitarian ground.

In view of the above, the petition is dismissed. However, the petitioner may approach the respondents in terms of Service Tribunal order, and if, any such application is pending adjudication, the respondent No.1 & 2 shall decide the same expeditiously after hearing the petitioner. Copy of this order may be transmitted to the learned A.G. for compliance.

JUDGE

JUDGE

*Faizan/PA**