

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No. D-8533 of 2017

Date	Order with signature of Judge
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Hearing of Case.

01. For orders on Misc No.18735/2018.
02. For orders on Misc No.18736/2018.
03. For hearing of main case.

28.05.2018

Mr. Abdul Haleem Jamali advocate for the Petitioners.

1) Urgency application is granted.

2&3 It is inter-alia contended by the learned counsel for the Petitioners that the terms of contract of the Petitioners has expired on 26.05.2018 and he seeks a grave urgency in the matter. He next contended that the contract period of the Petitioners was extended for a period of one year at minimum pay of Rs. 15,000/- per month announced by the Government vide office order dated 14.04.2017. He next added that as per budget session 2017-18 the post of the Petitioners has been shown to be a regular post whereas the Respondents have kept the Petitioners on contractual post in violation of Rules and Regulations as set forth in the West Pakistan Municipal Committee Service Rules 1969. Learned Counsel for the Petitioners has further contended that the Petitioner have approached this Court for regularization of their services as per law but the Respondent No. 1 has issued letter directing the Respondent No.2 not to entertain/ extend the period of contract of the Petitioners which is in violation of principle of natural justice. Learned counsel further added that the appointments of the Petitioners is on regular basis and as per the Rules and Regulations of the Respondent-Corporation they cannot be unilaterally terminated from the contractual service, without following the procedures as prescribed under the law. Learned counsel states that in pursuance of aforesaid letter, the Respondent-Corporation can terminate the services of the Petitioners at any time. He lastly prays for restraining the Respondents not to take any coercive action against the Petitioners till the final adjudication of the matter.

To appreciate the contention raised by learned counsel for the Petitioners the following questions arising in the instant matter are to be considered whether Petitioners' service can be dispensed with or removed from service without determination their

contractual rights and obligations. Whether the Petitioners could be terminated without following the due process, as has been set forth under Article 10-A of the Constitution, with particular reference to the measures provided for dispensing and removal of the Petitioners working in the Respondent-Corporation. Let fresh notice be issued to the Respondents as well as AAG for 01.07.2018. Till the next date of hearing no coercive action, against the Petitioners shall be taken by the Respondents.

JUDGE

JUDGE

Shafi Muhammad P.A