

IN THE HIGH COURT OF SINDH KARACHI

Before :

Mr. Justice Nadeem Akhtar

Mr. Justice Adnan-ul-Karim Memon

Constitutional Petition No. D – 6328 of 2019

Muhammad Rashid Zia and 04 others V/S Government of Sindh & 02 others

Date of hearing
& decision : 02.03.2020.

Petitioners 1 and 4 are present in person.

Ms. Humaira Junaid, advocate for respondent No.3 alongwith Muhammad Zia, Deputy Secretary, Sports & Youth Affairs Department, Government of Sindh.

Mr. Hakim Ali Shaikh, Additional Advocate General.

ORDER

ADNAN-UL-KARIM MEMON, J. – Petitioners have approached this Court for regularization of their service in Sports and Youth Affairs Department, Government of Sindh.

2. Case of the petitioners is that they were appointed purely on temporary contract basis in the ADP schemes / projects viz. Youth Health Awareness Program (YHAP), Establishment of Mobile Skill Development Unit for Underprivileged Youth (EMSDUUY) and Benazir Bhutto Shaheed Youth Development Programme (BBSYDP), in the years 2009, 2012 and 2013 till completion of the projects. After completion of the projects, their services stood discontinued as per terms of their appointment orders.

3. From the above admitted position, it is clear that after completion / closure of the projects their cases do not fall within the ambit of the Sindh (Regularization of Ad-hoc and Contract Employees) Act, 2013. Moreover, their appointments were not against the regular sanctioned strength of the department.

4. The learned AAG points out that the Scrutiny Committee had already considered their case for regularization by calling them twice to appear in person and produce original documents as well as attested photocopies of their testimonials, but the petitioners did not turn up on both occasions on the day and time fixed for the aforesaid purpose ; and, full opportunity of hearing was given to them whereafter the competent authority regretted their case for regularization.

5. Petitioners 1 and 4 present in person submit that they were appointed before the promulgation of the Sindh (Regularization of Ad-hoc and Contract Employees) Act, 2013 and have heavily relied upon Para 9.10 (b) of the minutes of the meeting of Provincial Cabinet held on 29.3.2018 and argued that Provincial Cabinet has decided to regularize the contract employees vide letter dated 18.04.2018 ; they fulfill the criteria and are qualified for the job ; and, they are working to the satisfaction of the respondent-department ; pursuant to a constant policy of other provincial governments to regularize the services of contractual employees working in different projects of government and in view of their qualification and performance they have a legitimate expectancy of being regularized ; and, the respondents are violating their fundamental rights. They lastly prayed for allowing the instant petition by giving similar treatment / benefits as given in C.P No.D-4930 of 2015 vide order dated 27.8.2018.

6. The petitioners, in our view, have failed to make out their case for regularization of their service as their case is neither covered under Section 3 of Sindh (Regularization of Ad-hoc and Contract Employees) Act, 2013, nor falls within the ambit of Policy of Government of Sindh, therefore, the instant petition is hereby dismissed along with pending application(s) with no order as to costs.

JUDGE

JUDGE

Nadir*