

Order Sheet
IN THE HIGH COURT OF SINDH KARACHI

Before:

Mr. Justice Nadeem Akhtar

Mr. Justice Adnan-ul-Karim Memon

Constitutional Petition No. D –4224 of 2013

Shahid Ali and 8 others

Versus

Province of Sindh and 03 others

Date of hearing
& order : 19.10.2020

Mr. Ali Asadullah Bullo, advocate for the petitioners.

Mr. Hakim Ali Shaikh, Additional Advocate General Sindh along with Ahmed Bux Narejo, Secretary School Education & Literacy Department, and Ghulam Ali Brahmani, Additional Secretary (Services-I), SGA&CD, Government of Sindh.

ORDER

ADNAN-UL-KARIM MEMON, J. – - This petition was disposed of vide order dated order 08.11.2018 in terms of Judgment dated 22.02.2018 passed by this Court in C.P No. 2598 of 2016 whereby direction was issued to the Competent Authority of the Respondent department to consider the case of the petitioners without any discrimination for regularization of their service, subject to their eligibility and qualification for the subject posts.

2. On 31.11.2019, Petitioners filed an application under Section 3 & 4 of the Contempt of Court Ordinance 2003 for initiation of contempt proceedings against the alleged contemnors on account of their willful, intentional, and deliberate act of disobeying the above-mentioned order passed by this Court.

3. Mr. Ali Asadullah Bullo learned counsel for the petitioners has argued that Respondents have not complied with the above-specified order of this Court. Therefore, prays that contempt proceedings be initiated against the Respondents for non-compliance of the said order and regularize the services of the Petitioners.

4. Mr. Hakim Ali Shaikh, Additional Advocate General refuted the claim of the petitioners and referred to the Compliance Report on behalf of Respondent No.2 and argued that the services of petitioners could not be regularized under section 3 of the Sindh (Regularization of Adhoc and Contract Employees) Act, 2013, as their case was considered, but was rejected for the reasons stated in the minutes of the meeting of Scrutiny Committee No.1 and 3 dated 15.10.2020, copy whereof is appended to the above compliance report.

5. We have heard the learned counsel for the parties on the listed application and perused the material available on the record and the minutes of meeting relied upon by the learned AAG.

6. We have also scrutinized the compliance report submitted on behalf of the alleged contemnors; prima-facie the explanation offered by the Respondents is tenable under the law on the ground that they were purportedly appointed in World Food Program Assisted "Assistance to Girls Primary Education in Sindh (AGPES)" where they continued up to 30.06.2013, till completion of the project.

7. In view of the facts and circumstances of the case and for the reasons alluded above, we are satisfied with the explanation offered by the alleged contemnors, therefore, we have no hesitation to hold that the project post which was being offered to the petitioners was sanctioned till completion of the project. The tenure of appointee stood terminated on completion of the subject project in the year 2013. In our view, substantial compliance of the orders passed by this Court have been made through the aforesaid compliance report, therefore, the listed application i.e. CMA No.3234/2019 filed by the petitioners is dismissed, leaving them to avail the remedy, if any, as provided under the law.

J U D G E

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Shahzad*