

# IN THE HIGH COURT OF SINDH KARACHI

**Before :**

Mr. Justice Nadeem Akhtar

Mr. Justice Adnan-ul-Karim Memon

## **Constitutional Petition No.D-5410 of 2019**

Date of hearing  
& Decision : 20.02.2020.

Petitioners : Nemo.

### **ORDER**

Petitioners 1 and 2 are Chairman and Joint Vice Chairman of All Pakistan Clerks Association (Province of Sindh), respectively, and petitioner No.3 is a human rights activist and representative for Pakistan Human Rights Commission South Asia. They are seeking direction to the respondent-Sindh Government to annul the probationary period of two (02) years for confirmation of Government jobs on the ground that impugned probationary period of two (02) years is unconstitutional, and the employer cannot put the employee on contract basis / probation for an unreasonably long period when the appointment was made against a permanent vacancy/sanctioned post.

This Court vide order dated 21.01.2020 had directed the petitioners to satisfy this Court with regard to maintainability, but nobody has bothered to put appearance to assist this Court since institution of this lis and same is the position today.

It is a well-established principle regarding probation that the same is to judge whether a probationer has the capability and potential to make a satisfactory career in the organization, and whether or not the organization / employer will have any benefit of his services. We are of the view that the period of probation provides equal opportunity to the employer and employee to decide whether they would like to continue with the engagement or not. This being the spirit of probation, the same cannot be termed or deemed as discriminatory, provided it is fixed for a reasonable period. It may be observed that only after successful and satisfactory completion of the probationary period according to both the stake holders, the service of a probationer could be considered for confirmation. In view of the above, we do not see violation of any fundamental right of the petitioners in relation to fixation of probationary period by the Government. Accordingly, the instant petition, being misconceived, is dismissed in limine with no order as to costs.

JUDGE

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