

**IN THE HIGH COURT OF SINDH,**  
**Bench at Sukkur**

**C. P. No. D – 1943 of 2017**

**(Abdul Sami V/S Ministry of Communication & Ors)**

**Before:**

Mr. Justice Muhammad Junaid Ghaffar  
Mr. Justice Zulfiqar Ali Sangi

Date of Hearing: **24-02-2022**

Date of Decision: **24-02-2022**

Mr. Abdul Sattar Soomro, Advocate for the Petitioner.  
Mr. Kamran Mobeen, Advocate for the Respondents No.2 to 4.  
Mr. Muhammad Hamzo Buriro, D.A.G.

**ORDER**

**Muhammad Junaid Ghaffar, J.** – Through this Constitutional Petition, the Petitioner has prayed for the following relief(s):

**a)** That this Honourable Court may be pleased to direct the respondents including admin officer to consider the case of the petitioner in last policy framed by the Government and reinstate the petitioner.

**b)** To grant any other alternate relief which this Honourable Court deems fit and proper”.

**2.** It has been contended by the Petitioner’s Counsel that pursuant to Order dated 19.02.2016 in C.P.No.D-2494 of 2012, which was filed by the Petitioner, the Respondents were approached and the application of the Petitioner has been regretted on the ground that it is not covered under the rules. He submits that the policy provides for regularization and reinstatement, hence Respondents be directed to act accordingly.

**3.** On the other hand, Respondents’ Counsel has opposed this Petition on the ground that Petitioner does not qualify under the policy / rules; hence no case is made out.

**4.** We have heard both learned Counsel and perused the record.

5. It appears that earlier the Petitioner had filed C.P.No.D-2494 of 2012, which was dismissed vide order dated 19.02.2016, wherein it was categorically held that the Petitioner has failed to make out a case requiring this Court to direct the Respondents to regularize his service; hence, as a consequence thereof, the Petition was dismissed. However, at the same time, as an indulgence, it was observed that the Petitioner is at liberty to approach the Respondents, who may consider the case of the Petitioner strictly in accordance with law, as per rules / policy, if any, relevant to his regularization. Once Petition was dismissed by holding that no case is made out for regularization, then apparently any other observation by the Court was only a passing remark and was not in fact the operative part of the order. Same was only observed as an indulgence and as a matter of courtesy, but was not definitely binding upon the Respondents.

6. Nonetheless, the Respondents have once again considered the case of the Petitioner and he has not been found eligible for regularization as the service of the Petitioner was only on daily wages and never extended after 25.03.2010. In view of such position, no case is made out. This petition appears to be misconceived and is hereby **dismissed**.

**J U D G E**

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