

Order Sheet
IN THE HIGH COURT OF SINDH KARACHI

Constitutional Petition Nos.D –875/2020, 5332/2018, 6047/2018, 6676/2018, 645/2020, 1087/2020, 1253/ 2020, 1355/2020, 1441/2020, 1863/2020, 1923/2020, 3428/2020, 3429/2020, 4015/2020,4361/2020, 4577/2020, 5027/2020, 5073/2020, 5273/2020, 5420/2020, 5999/2020, 6182/ 2020, 6526/2020, 317/2021, 1366/2021, 1604/2021, 1892/2021

| Date | Order with Signature of Judge |
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Priority.

1. For hearing of CMA No.4139/2020.
2. For hearing of main case.

17.05.2021

M/s Malik Naeem Iqbal and Saleem Khaskheli, advocates for the petitioners in C.P Nos. 875/2020, 1087/2020, 1355/2020, 1863/2020, 4015/2020,6182/2020, 6526/2020, 1366/2021.

Syed Shoa-un-Nabi, Mr. Muhammad Khan Lakho and Ms. Shazia Zafar, advocates for the petitioners in C.P Nos.5332/2018, 1441/2020, 3428/2020, 3429/2020, 4577/2020, 5073/2020, 5420/2020, 5999/2020, 1604/2021, 1892/2021.

Mr. Muzafar Ali, advocate for the petitioner in C.P No.5027/2020.

Mr. Samiullah Soomro, advocate for the petitioner in C.P No.D-5273/2020.

Mr. Aamer Latif advocate for the petitioners in C.P Nos. 645/2020 and 1923/2020.

Mr. Tariq Ahmed Memon, advocate for the petitioners in C.P Nos. 6047/2018, 1253/2020 and 317/2021.

M/s Mukesh Kumar G. Karara and Nabi Bux advocates for respondents No.2 and 3 in C.P. No. D-1892/2021.

Mr. Asim Iqbal advocate for SSGC.

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All these instant petitions have been filed by the persons, who claimed themselves to be the employees of the Sui Southern Gas Company (SSGC) with the grievance that inspite of rendering services for quite some time their services have not been regularized by the SSGC.

M/s Malik Naeem Iqbal, Saleem Khaskheli, Syed Shoa-un-Nabi, Muhammad Khan Lakho, Ms. Shazia Zafar, Muzafar Ali, Samiullah Soomro, Aamer Latif and Tariq Ahmed Memon, advocates have appeared on behalf of the petitioners and state that the issue involved in the instant petitions stands squarely covered by the decision given in the case of Rao Muhammad Gulzar and others vs Federation of Pakistan and others (C.P No.D-5649/2018) and various other Judgments passed by the Hon'ble Supreme

Court of Pakistan. This proposition has been conceded by the counsel appearing for the respondents. M/s Asim Iqbal and Mukesh Kumar G. Karara advocates for SSGC, however, state that there are certain persons, who are neither the employees of the SSGC nor they are being paid through contractors, hence, the decision of the High Court and Apex Court are not applicable to these persons.

We have heard the learned counsel for the parties at considerable length and have also perused the material available on record.

We fully agree with the contention of M/s Malik Naeem Iqbal, Saleem Khaskheli, Syed Shoa-un-Nabi, Muhammad Khan Lakho, Ms. Shazia Zafar, Muzafar Ali, Samiullah Soomro, Aamer Latif and Tariq Ahmed Memon, advocates that the issue involved in the instant petitions stand squarely covered by the decision of the High Court and the Hon'ble Supreme Court of Pakistan. For ready reference Paragraph No.22 of the decision dated 30.09.2019, given in C.P No.D-5649/2018, is reproduced herein below:-

“22. In the light of facts and circumstances of the case discussed above and decisions rendered by the Hon'ble Supreme Court of Pakistan in the aforesaid cases, the instant petition is hereby disposed of with direction to the Managing Director/Competent Authority of Respondent-Company to consider case of the petitioners for regularization of their service, more particularly in the same analogy as decided by the Hon'ble Supreme Court of Pakistan in the case of Messrs. State Oil Company Limited vs. Bakht Siddique and others (2018 SCMR1181). The aforesaid exercise shall be undertaken within a period of two months from the date of receipt of this judgment and compliance report be submitted through MIT-II of this Court.”

We, therefore, dispose of all the petitions in view of the paragraph as noted above, however, we would like to clarify that our this order would not be applicable to those persons / petitioners who are neither the temporary employees of SSGC nor are being paid/hired via the contractors. Compliance report in respect of the above order ought to be submitted through MIT-II of this Court within three (03) months' time.

With these observations all the instant petitions stand disposed of.

JUDGE

JUDGE