

*Order Sheet*  
IN THE HIGH COURT OF SINDH KARACHI  
**Constitutional Petition No.D – 3943 of 2021**

Date	Order with Signature of Judge
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Priority

1. For order on office objection No.6.
2. For hearing of CMA No.16324/2021.
3. For hearing of main case.

**20.08.2021** :

Mr. Malik Naeem Iqbal advocate for the petitioners.

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Counsel for the petitioner submits that petitioners over the years 2014-2017 were appointed in the Sports Department of the respondent No.2-SSGC on contractual basis, which contracts have been extended from time to time. Learned counsel has shown their continuation of services by referring petitioners' salary slips. Counsel for the petitioners further submits that the colleagues of the petitioners have filed C.P No.D-6378/2020 before this Court, seeking regularization of their service and their absorption in the permanent cadre. Counsel contends that in the aforementioned Constitution Petition, protection has been granted to the colleagues of the petitioners to the extent that till the next date of hearing, their service may not be dispensed with as there was a looming threat of their dismissal.

Counsel's attention was drawn towards the aforementioned petition where admittedly a notification was issued against those petitioners who consequently filed C.P No.D-6378/2020, whereas, in the case at hand, no such notification or threats have been issued to the petitioners. To answer this, learned counsel draws our attention to the Judgment dated 18.02.2021 passed by Hon'ble Supreme Court of Pakistan in Civil Appeal Nos. 936 & 937 of 2020, wherein the Hon'ble Supreme Court of Pakistan has held that "*any person who is not in service cannot seek regularization of service*", hence the like request as the learned counsel fears that as soon as notices are received by the respondent No.2, to make the petitioners remediless, it will remove the petitioners from the service.

Contentions raised by learned counsel merit consideration, particularly when similar order has been passed in C.P No.D-6378/2020, which order to apply mutatis mutandis in the present petition. Issue notice to the respondents as well as DAG. Office is directed to tag the instant petition along with the said petition and both of these petitions are directed to come up together on the next date.

JUDGE

JUDGE

Shahzad Soomro