

# IN THE HIGH COURT OF SINDH AT KARACHI

Present:  
**Muhammad Junaid Ghaffar, J.**  
**Agha Faisal, J.**

C P D 5733 of 2021 : Barkat Ali vs.  
Federation of Pakistan & Others

For the Petitioner : Mr. Imtiaz Ali Solangi, Advocate

For the Respondents : Mr. Bashir Ahmed Advocate

Mr. Qazi Abdul Hameed Siddiqui  
Deputy Attorney General

Date/s of hearing : 23.08.2022

Date of announcement : 23.08.2022

## ORDER

**Agha Faisal, J.** The petitioner seeks seniority, upon reliance on judgments of the Superior Courts pertaining to ad hoc employment / regularization, without ever having been an ad hoc or regularized employee, ahead of his peers, none of whom have been arrayed as respondents herein, notwithstanding the fact that an earlier petition in such regard had already been dismissed by this Court.

2. At the very onset petitioner's counsel was confronted with respect to maintainability *inter alia* as to how a second petition could be maintained in respect of the same *lis* whilst the earlier one had been dismissed; how could any order in respect of seniority be considered in the manifest absence of persons who would be directly affected by any order passed; why had the peers not been impleaded, especially when they had been impleaded in the earlier petition; and how is the issue of *laches* to be addressed since admittedly the grievance arose to the petitioner in June 2016, when the impugned seniority list was issued. The counsel remained unable to articulate any cogent justification.

3. It is observed that the petitioner's reliance upon the superior courts judgments pertaining to regularization of ad hoc employees was entirely unmerited as he was never ad hoc or regularized. After dismissal of the first petition in respect of the same *lis*, no cause could be demonstrated for *de novo* agitation of the same issue. The counsel remained unable to dispel the manifest bar of *laches*. And finally, contemplation of seniority could not be undertaken in

the apparent absence of all those who could be aggrieved of any orders passed in their regard.

4. Notwithstanding the foregoing, the respondent's counsel drew our surveillance to the undertaking dated 04.12.2013, executed by the petitioner, whereby he had foregone any claim with respect to seniority. Petitioner's counsel was asked as to the veracity of the instrument and he confirmed the same. The counsel was unable to provide any response to our query as to why his plea ought to be entertained in writ jurisdiction when it was *prima facie* in derogation of his admitted undertaking provided to the respondent.

5. In view hereof, we find this petition to be misconceived, hence, the same is hereby dismissed along with pending applications.

JUDGE

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