

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D - 419 of 2020

Date of hearing	Order with signature of Judge
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Hearing of case

1. For orders on office objection at Flag-A
2. For hearing of main case

27.10.2022

Mr. Muhammad Qayyum Arain, Advocate for the petitioner.
Mr. Nisar Ahmed Bhanbhro, Advocate for respondents No.7 to 82.
Mr. Ahmed Ali Shahani, Assistant Advocate General Sindh along with Ali Akbar Siyal, Consultant (Admin/Legal Affairs), Peoples University of Medical & Health Sciences, Shaheed Benazirabad and Faheem Ahmed Soomro on behalf of Principal, Khairpur Medical College, Khairpur.

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1. Through instant petition, petitioner Muhammad Farooque son of Asghar Ali, *inter alia*, seeks following relief(s):

- a. *This Honourable Court may be pleased to suspend/set aside Impugned Notification NO.SOC-II (H) 26-41/2018 (Pt-II) dated: 19.09.2019, issued by respondents No.02 and 03 whereby the contractual services officers/officials from BPS-01 to 20 have been regularized without following the recruitment rules and such regularization is against the Sindh Regularization of Contract Employees of Khairpur Medical College Khairpur Act 2018 as well as criteria of Selection Committee.*
- b. *To direct the respondents No.01 to 04 to fill the posts of teaching faculty of KMC Khairpur through SPSC and as per criteria as required by PM&DC and all posts of respondents No.07 to 82 may be filled through SPSC in fair and transparent manner OR a committee may be constituted by joining the members of SPSC to re-scrutinize the regularization of respondents NO.07 to 82 absolutely in accordance with law.*

2. Learned Counsel for the petitioner contends that Government of Sindh, Health Department issued an advertisement inviting applications from the candidates for various posts in Khairpur Medical College, Khairpur ('the College') to be filled purely on contract basis for a period of two (02) years (extendable). The petitioner applied and appointed to the post of Sub-Engineer (Civil). The duration of said contract service was extended time to time, and thereafter, vide letter dated 30.03.2019, the respondent No.5 terminated his service. It is case of the petitioner that

the Sindh Government passed the Sindh (Regularization of Contract Employees of Khairpur Medical Colleged, Khairpur) Act, 2018 (**'the Act of 2018'**), and in view of its Section 3(2) & (3), a committee was constituted to scrutinize the eligibility/qualification of employees appointed on adhoc or contract basis in the College by the Health Department, whereby the services of 83 contractual employees including respondents No.7 to 82 were regularized in violation of service rules depriving the petitioner from his right as his services were not regularized.

3. On the other hand, learned Counsel appearing for private respondents and learned A.A.G., Sindh maintained that the petitioner was appointed on contract basis on a 'project job' pursuant to an advertisement made in year 2014, while the private respondents were appointed on contract basis on academic and administrative posts pursuant to different advertisements made in year 2013, and their services were subsequently regularized under the Act of 2018; hence, the case of the petitioner being employed on contract basis for a project is not at par with the case of private respondents.

4. Heard the learned Counsel for the parties and perused the material available on record.

5. It is an admitted position that the petitioner was appointed as Sub-Engineer (Civil) purely on contract basis to a project of Government of Sindh. It is also a matter of record that pursuant to the Act of 2018, the Government of Sindh notified a committee to scrutinize the antecedents of the employees to be regularized under Sub Section (1) of Section 3 of the Act of 2018. The committee in its meeting dated 26.03.2019 highlighted the shortcomings in the appointment procedure. A summary to Chief Minister, Sindh was moved containing all observations. The Chief Minister ordered to place the matter of regularization of contract employees of the College before the Cabinet for consideration. The Cabinet in its meeting dated 24.08.2019 passed a decision approving the regularization of 83 academic and ancillary staff members of the College. As such, with the approval of the Cabinet, the services of 83 contractual faculty and ancillary staff of the College were regularized under the Act of 2018. It is also a matter of record that the petitioner's post of Sub-Engineer was not advertised with

the posts of private respondents under advertisements made in year 2013, and subsequently, his contract was terminated, which was made for a project job, by the Principal of the College as the civil works of the project were shifted from Health Department to Works & Services Department, Government of Sindh who had sufficient engineering staff to carry on works; therefore, no prejudice has caused to petitioner if the services of the private respondents have been regularized under the Act of 2018.

6. Even otherwise, the petitioner has not filed this petition for any relief in his favour, but he has impugned the alleged regularization of services of private respondents of different cadres; for that he has no *locus standi*. Accordingly, this petition being devoid of any factual and legal merit is **dismissed**.

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Abdul Basit