

ORDER SHEET  
**IN THE HIGH COURT OF SINDH, KARACHI**  
C. P. NO. D-3477 / 2022

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Date

Order with signature of Judge

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**DIRECTION.**

- 1) For orders on CMA No. 22857/2022.
- 2) For orders as to maintainability of instant Petition.

**15.09.2022.**

Mr. Khurram Lakhani, Advocate for Petitioners.

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On the last date of hearing, Petitioner's Counsel was confronted as to maintainability of this Petition. The Petitioners seek regularization of their services. Today we have confronted the petitioner's counsel as to maintainability of this petition in view of the fact that firstly; petitioners were under contract employment which stands expired way back in 2020, then how can they seek extension of contract through this petition; and secondly, how in that case question of regularization arises, and he is not in a position to satisfactorily respond, except that case of other persons are being considered by the Respondents. We may observe that there is a series of case law on the subject that if a contract of an employee has expired, then in constitutional jurisdiction neither can he be reinstated nor the contract can be extended, whereas, the question of regularization also does not arise. After accepting the terms and conditions for contractual appointment, the contract employee has no locus standi to file a Constitutional Petition seeking writs of prohibition and or mandamus against the authorities from terminating his service and or to retain him on his existing post on regular basis; a contract employee, whose period of contract expires by efflux of time, carry no vested right to remain in employment of the employer and the courts cannot compel the employer

to reinstate him or to extend his contract<sup>1</sup>. Further reliance in this regard may also be placed on the case reported as Farzand Ali v. Province of West Pakistan PLD 1970 SC 98 Government of Balochistan, Department of Health, through Secretary Civil Secretariat, Quetta v. Dr. Zahida Kakar and 43 others 2005 SCMR 642, Dr. Mubashar Ahmed v. PTCL, through Chairman, Islamabad, and another 2007 PLC (C.S.) 737, Sindh High Court Bar Association v. Federation of Pakistan PLD 2009 SC 879, Abid Iqbal Hafiz v. Secretary, Public Prosecution Department, Government of Punjab, Lahore, and others PLD 2010 SC 841, Suo Motu Case No.15 of 2010 (In re; Sou Motu action regarding regularization of contract employees of Zakat Department and appointment of Chairman of Central Zakat Council) 2013 SCMR 304, Qazi Munir Ahmed v. Rawalpindi Medical College and Allied Hospital through Principal and others 2019 SCMR 648, Province of Punjab through Secretary Agriculture Department Lahore and others v. Muhammad Arif and others 2020 SCMR 507, Naureen Naz Butt v. Pakistan International Airlines 2020 SCMR 1625, Government of Khyber Pakhtunkhwa, Workers Welfare Board, through Chairman v. Raheel Ali Gohar and others 2020 SCMR 2068, and judgment dated 18.02.2021 pronounced in Civil Appeals Nos. 936 and 937 of 2020.

In view of such position this petition merits no consideration and the same is hereby dismissed in limine.

**J U D G E**

**J U D G E**

Arshad/

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<sup>1</sup> Anjum Badar v Province of Sindh (PLD 2021 Sindh 328)