

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Const. Petition No. D-173 of 2022
(*Nawab Ali & others v. P.O. Sindh & others*)

Present:-

**Mr. Justice Muhammad Iqbal Kalhoro &
Mr. Justice Arbab Ali Hakro**

Mr. Sohail Ahmed Khoso, Advocate for the petitioners.
Mr. Qurban Ali Malano, Advocate for respondents No.2&3.
Mr. Ali Raza Baloch, Assistant A.G along with Anwar Ali Ruk, RDLG,
Sukkur and Mumtaz Ali, Town Officer, Town Committee, Nara.

Date of hearing: **13-09-2023**

Date of decision: **21-09-2023**

ORDER

MUHAMMAD IQBAL KALHORO, J:- Petitioners claim to be working on daily wages as Sanitary Workers in Town Committee, Nara since 2016, have filed this petition for regularization of their services on the grounds that they have been performing duty against the said posts, permanent in nature and duly sanctioned in the budget, since long. And that on account of long rendition, their services are liable to be regularized since 2016; that in the meantime many persons having political influence have been appointed on regular basis on the same posts but the petitioners have been ignored.

2. Learned counsel for the petitioners reiterating the above points and relying upon the case law reported as **2015 SCMR 1257, 2018 SCMR 1405, 2018 SCMR 325** and **2021 SCMR 603** in support, has prayed for regularization of services of the petitioners. He has further stated that the Supreme Court in aforesaid cases on the basis of long duration of service of employees has taken a favourable view and ordered the concerned authorities to regularize the services of daily wages employees.

3. On the other hand, learned counsel for respondents No.2&3 as well as learned assistant A.G have opposed this petition and have relied

upon case law reported as **2021 SCMR 977, 2022 SCMR 472, 2022 SCMR 566, 2022 SCMR 964** and **2022 SCMR 1680**.

4. We have heard the parties and perused material available on record including the case law relied at bar. From a perusal of the case law, it has been made clear to us that latest and prevailing view of the Supreme Court is that long duration of service of any contract, ad-hoc or daily wages employees does not confer any (inalienable) right upon them to be regularized in service which is to be done only keeping in view the relevant procedure and law governing the appointment of the employees.

5. More so, learned counsel appearing for the respondents has disputed professed continuation of service by the petitioners since 2016 and has pleaded that petitioners were appointed only for a brief time of three months in the year 2016 and in the year 2019 against the terms and conditions which clearly stipulate that their services are purely temporary and non-extendable with a fixed salary and such appointment would not confer any right or claim to the petitioners to seek regularization thereof. Although petitioners' counsel has rebutted claim of the respondents by pointing out to some of the salary slips purportedly issued to the petitioners after the given period. But, in any case, they are disputed firstly and we cannot make an enquiry into their verification under this jurisdiction. And secondly, the appointment letters of the petitioners in very expressed words envisage the terms and conditions of petitioners' appointment, and they do not carry any innuendo to their any right to seek confirmation of the jobs on the basis of such appointment. We therefore find no merits in the petition for the relief as sought for and **dismiss** the same.

6. The petition is accordingly **disposed of**.

JUDGE

JUDGE