

IN THE HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Constitutional Petition No. D-805 of 2024
(*Imam Bux Vs Province of Sindh & others*)

DATE	ORDER WITH SIGNATURE OF JUDGE (S)
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Date of hearing and Order: 19.08.2024.

Mr. Muhammad Rafique Bhayo advocate for the petitioner.
Mr. Muhammad Sharif Solangi Assistant A.G., Sindh a/w Sadam Hussain
Mari XEN PHED Umerkot respondent No.4 and Rashid Hussain XEN
PHED Mirpurkhas respondent No.5.

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ORDER

Adnan-ul-Karim Memon, J. Petitioner Imam Bux has approached this Court with the prayer that his services as Pump Operator in the office of Public Health Department Hyderabad be regularized in terms of appointment Order dated 12-07-1990 on the premise his colleagues have already been brought to regular budgetary posts in terms of Order dated: 22-03-2016 passed by this Court in C.P No.D-1204 of 2010 reported in the case of *Allah Bachayo & others Vs. Province of Sindh & others* [2016 PLC (CS) 1035]. Petitioner claims that his case is akin to the case already decided by this Court and that similar treatment be provided to him.

2. Per Petitioner, who is present in person has submitted that he was not heard before taking an adverse view against him by the respondents as his services have not yet been regularized; though, he has been working in the respondent department since 1990 on a contingent basis and his representation is still unattended. He submits that direction may be issued to the respondents to treat him as a regular employee.

3. Learned A.A.G has referred to the comments filed by respondent No.04 and submits that the petitioner was appointed on a work charge basis and received his salaries as per policy of the then Government/Department. He further submitted that the petitioner alongwith his colleagues were terminated from service long ago; therefore,

no further grievance of the petitioner subsists. He prayed for the dismissal of this petition.

4. We have heard the learned counsel for the parties and perused the record with their assistance including the Order dated 22-03-2016 passed by this Court in C.P No.1204/2010.

5. Prima facie, the petitioner has served since 1990 and he has a long service of more than three decades at his credit as per his claim; therefore, it is not justified at the end of the department after sucking the youth of the petitioner and kicked him out on the pretext that his case does not fall in the aforesaid policy and that the post held by him being temporary and contingent/work charge paid, being not pensionable. Since the Petitioner is 59 years old and has one year remaining to attain the age of superannuation; therefore, his services be continued, if already on work; till his date of superannuation; however at the same time the competent authority is required to re-consider his case in terms of the ratio of the Order of this Court passed in C.P No.D-1204/2010, and if his colleagues have already been brought into regular budgetary post, his case may also be taken care of without discrimination. The salary issue of the Petitioner for the intervening period may be decided under the law, within one month from the date of receipt of this order.

9. This petition is disposed of in the above terms along with pending application (s).

JUDGE

JUDGE