

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. No. D-2927 of 2020

Date	Order with signature of Judge
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FRESH CASE.

1. For hearing of CMA No.12688/2020.
2. For hearing of main case.

26.09.2024.

Malik Naeem Iqbal, Advocate for the Petitioner.
Mr. Naeem Akhtar Talpur, AAGF Sindh a/w Abdul Aleem AD
(Coord). LDRMIS BOR.

Through this Petition under Article 199 of the Constitution, the Petitioner seeks regularization of his employment by the Respondents in terms of Section 3 of the Sindh (Regularization of Adhoc and Contract Employees) Act, 2013, which reads as follows:-

“3. Notwithstanding anything contained in the Act or rules made thereunder or any decree, order or judgment of a court, but subject to other provisions of this Act, an employee appointed on adhoc and contract basis or otherwise (excluding the employee appointed on daily-wages and work-charged basis), against the post in BS-1 to BS-18 or equivalent basic scales, who is otherwise eligible for appointment on such post and is in service in the Government department and it’s project in connection with the affairs of the Province, immediately before the commencement of this Act, shall be deemed to have been validly appointed on regular basis.”

The case of the Petitioner is that he was appointed on 10.01.2008 as a Manager Hardware & Networks on contract basis for a period of two years for “Automation of Stamps and Registration” with the Board of Revenue, Government of Sindh in pursuance an advertised recruitment process, with such employment then being extended from time to time.

Learned counsel invited attention to the Offer Letter dated 10.01.2008 as well as subsequent letters relating to the extension of service and placed relied upon an Order dated 07.08.2024 made in an analogous case by a learned Division Bench of this Court at the Hyderabad Circuit in C. P. No. D-961/2015, which reads as follows:-

“Through this constitutional petition, the petitioner claiming to be a contract employee of “Automation of Stamps & Registration” Board of Revenue, Sindh, seeks his regularization of service under the Sindh (Regularization of Adhoc and contract employs) Act, 2013.

Pursuant to notice, respondent No. 2 filed comments wherein it has been stated that for the regularization of the employees appointed on adhoc or contract basis, a Committee has been constituted at provincial level by the SGA&CD vide Notification dated 07.01.2015, wherein along with others the case of the petitioner will also be examined. Learned counsel for the petitioner has also acceded to this contention and has no objection if the case of the petitioner is also examined by the said Committee.

In view of above, let the aforementioned Committee decide the matter of the petitioner in accordance with law within two (02) months through a speaking order. The petition stands disposed of in the above terms.

He submitted that the Petitioner would be satisfied if his case was similarly referred to the Committee.

By way of opposition, the learned Additional Advocate General, Sindh merely contended that the project in relation to which the Petitioner had been employed had since concluded. Be that as it may, we see no distinction between this matter and C. P. No. D-961/2015, which appear to be akin to one another and relate to the same project, hence

are of the view the Petitioner before us is also entitled to similar consideration. That being so, the Petition stands disposed of with the direction to the Committee to decide the matter of the Petitioner in accordance with law within two months through a speaking order, after affording him an opportunity of hearing.

JUDGE

JUDGE

MUBASHIR