

IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS

Constitution Petition No.D-1163 of 2024
(*Meharchand & others Vs. Province of Sindh & others*)

DATE	ORDER WITH SIGNATURE OF JUDGE
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Before:

Adnan-ul-Karim Memon, J.

Amjad Ali Bohio, J.

Date of hearing & Order 09.09.2024

Petitioner in person

Mr. Muhammad Sharif Solangi, Assistant A.G Sindh

ORDER

Adnan-ul-Karim Memon, J. Maherchand, the petitioner, is requesting this Court to order the government to reinstate him as a Game Watcher (BPS-05) in the Khirthar Protected Area Complex Scheme. He submits that the government has already regularized other similar positions and should do the same for him.

2. The petitioner who is present in person has submitted that he was initially hired as a Game Watcher (BPS-5) on a contractual basis in January 2013. This appointment was part of a biodiversity conservation scheme launched by the Sindh Wildlife Department in Tharparkar District. After the scheme's initial five-year period and a subsequent two-year extension, the wildlife department proposed its conversion from a development to a non-development scheme. Following approvals from the Planning and Development Department and the Finance Department, 22 field staff positions were transferred to the non-development side in 2018. The conservator of wildlife in Sindh subsequently requested the regularization of staff working under the scheme. While other staff members were regularized, the petitioner and 20 other field staff members from Tharparkar remained non-regularized, despite similar work and qualifications. Since 2015, the petitioner and other employees have been repeatedly assured of regularization but have remained off duty. This situation has led to severe financial hardship for the petitioner's family. Due to the lack of an alternative remedy, the petitioner has filed this petition under Article 199 of the Constitution of Pakistan, seeking the above relief.

3. learned AAG has submitted that the petitioner was appointed as a Game Watcher (BS-5) on a temporary/contract basis for a development project. He is now seeking regularization under the Sindh (Regularization of Adhoc and Contract Employees) Act, 2013 (Act XXV of 2013). He added that the petitioner's appointment was temporary and tied to the project duration. Further regularization of similar positions is currently under appeal, putting a hold on new cases. Learned AAG submits that this court may direct the respondents to advertise the Game Watcher (BS-5) positions in the newspapers for a transparent and competitive selection process and allow the petitioner to participate in the open recruitment based on merit and eligibility.

4. The petitioner was appointed on a contract basis, and his satisfactory performance has not been disputed by the respondent. The Sindh (Regularization of Adhoc and Contract Employees) Act, 2013 was enacted to regularize the services of certain categories of employees appointed on adhoc and contract basis in Sindh. The Act defines "employee" as a person appointed to a post on adhoc and contract basis, excluding daily wages and work-charge employees. Section 3 of the Act outlines the specific categories of employees eligible for regularization. The law states that contract and adhoc employees working in government departments and projects in the province before the 2013 Act became effective should be considered as regular employees. However, despite this clear provision, the service of the petitioner has not been regularized, which is apathy.

5. This court emphasizes the importance of legal equality, protection of individual rights, and the accountability of public officials.

6. This Court has granted the petitioners' request for regularization of his employment under the Sindh (Regularization of Adhoc and Contract Employees) Act, 2013. However, if the respondents have any concerns about the petitioners' qualifications or fitness, they can take appropriate action, but this must be done under the law.

JUDGE

JUDGE