

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**

Constitutional Petition No. D-1725 of 2015  
*(Muhammad Younis & others v Province of Sindh & others)*  
Constitutional Petition No. D-8862 of 2017  
*(Shahid Hussain Bhatti & others v Province of Sindh & others)*

Date	Order with signature of Judge(s)
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Before:  
Mr. Justice Muhammad Karim Khan Agha  
Mr. Justice Adnan-ul-Karim Memon

**Date of hearing and order 21.4.2025**

Mr. Faizan Hussain advocate for the petitioners  
Mr. Ali Safdar Depar, AAG

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**ORDER**

**Adnan-ul-Karim Memon, J:** The petitioners, long-serving contract employees (Audit Officer/Auditor/Audit Assistant and Zakat Clerk) of District Zakat and Ushr Committees in Sindh since 1995, seek regularization of their services. They avered that despite performing permanent jobs in a permanent department for 10-17 years, they haven't been regularized, unlike similarly placed employees. Their salaries are paid from the administrative expenditures of the Zakat funds, as per the Zakat and Ushr Ordinance 1980 and the Sindh Zakat & Ushr Act 2011. They highlighted that the devolution of Zakat & Ushr to the provinces after the 18th Amendment didn't address their employment status. The petitioners previously sought regularization under the Sindh Ad-hoc Employees Regularization Act 2009 but were not granted this benefit. A Suo Moto case (No. 15 of 2010) was initiated by the Supreme Court regarding contractual employees of Zakat Committees. While acknowledging the unique nature of their employment, the Supreme Court in its order dated 21-11-2012 (Annexure "C") left the decision of regularization to the provincial governments, noting potential financial burdens. A review petition was also dismissed on 22-01-2015. The petitioners request the court to declare them entitled to regular appointment with all consequential benefits from their initial date of appointment and to direct the respondents to treat them as regular employees. They also seek a restraint order against any adverse action during the pendency of the petition and request costs.

2. The petitioner's counsel contends that the failure to regularize them, especially after the Ad-hoc Employees Regularization Act 2013 regularized others with shorter service, is discriminatory and violates their fundamental rights under Articles 3, 4, 9, 25, and 38 of the Constitution. He argued they had a legitimate expectation of regularization and that their long service, often exceeding the maximum age limit for government jobs, should be considered. He prayed to allow the petition.

3. The Sindh Government, in its response, submitted that the petitioners were appointed under a policy decision of the Central Zakat Council, not directly by the Provincial Government or under a specific law. Their salaries are paid from a specific portion of the Provincial Zakat Fund allocated for "additional expenditure" of local committees. The government emphasizes that the Supreme Court has already addressed the matter in *Suo Moto Case No. 15 of 2010* and subsequent review petitions, leaving the decision to the provinces due to potential financial constraints. Therefore, the Sindh Government requests the dismissal of the current petition.

4. We have heard the learned counsel for the parties and perused the record with their assistance and case law cited at the bar.

5. The Sindh government highlights that these long-serving contract employees were initially hired under a Central Zakat Council policy by District Zakat Committees, not directly by the provincial government or a specific Sindh law. Their salaries originate from a designated Zakat Fund for local committee expenses, separate from the regular provincial budget. Furthermore, the government points to a Supreme Court decision (*Suo Moto Case No. 15 of 2010*) that left the regularization issue to the provinces, citing potential financial burdens. However, the petitioners' legal representative argues that despite this initial hiring process, their current employment now falls under the Sindh government's authority and administrative control following the devolution of Zakat and Ushr. He contends that the positions petitioners occupy are permanent and crucial for the province's Zakat and Ushr system. The counsel maintains that the employees meet all requirements for regular appointment and that the Sindh (Regularization of Adhoc and Contract Employees) Act, 2013.

6. In line with the Supreme Court's directive in *Suo Moto Case No. 15 of 2010*, this matter is to be addressed by the provincial government. The Chief Secretary is directed to seek the necessary approval from the competent authority to determine whether the petitioners' employment will be regularized according to the law or if they will remain on contract until retirement. This decision must be made within three months after hearing the petitioners' perspective. Consequently, this petition is now disposed of under these specified conditions.

JUDGE

Head of Constitutional Benches