

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
Constitutional Petition No. D-5575 of 2016  
(*Syed SajjadAli Shah & othwrs v Chief Secretary 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 18.4.2025**

Mr. Abdul Samad Memo advocate for the petitioners.  
Mr. Ali Safdar Depar Assistant Advocate General.

**ORDER**

**Adnan-ul-Karim Memon, J:** The petitioners, contract employees in the Livestock and Fisheries Department, challenge their termination on 19.09.2013, submitting that it was done without due process and violated their service rights and potential income. They seek regularization under the 2013 Sindh Regularization Act, claiming it was effective from 25.03.2013 and obligated the respondent authorities to regularize them, making their subsequent termination illegal. They cite a similar case (C.P. No D-4144/2013) allowed by this court and pointed out their termination was due to a lack of funds, not misconduct.

2. Learned counsel for the petitioners prayed for allowing the petition.

3. The AAG countered that the petitioners, already terminated, can not benefit from the Act 2013. However, he presented a letter regarding a scrutiny committee for contract employee eligibility. He submitted that the petitioners were terminated due to a lack of funds after the scheme's extension ended. He denied discriminatory actions and the violation of rights. He stated the petitioners were initially appointed on contract for a specific scheme that was not extended. While some were temporarily accommodated in other schemes for salary, their contractual terms were not extended. He highlighted that a similar case relied upon by the petitioners was under appeal in the Supreme Court however, the decision was made on the consent of the parties, and the petitioners delayed approaching the court, as such their case falls within the doctrine of laches. Crucially, the learned AAG submitted that all petitioners were subsequently appointed as regular Assistant Warden Fisheries (BPS-09) in 2012. Therefore, they submitted that the petitioners have no grounds for the current petition, as they are already regular employees, and their demand for regularization to a higher BPS is against their initial contract terms.

4. We have heard the learned counsel for the parties and perused the record with their assistance.

5. The point is whether the petitioner's constitutional petition should be dismissed due to laches (delay).

6. The petitioners were terminated on 19.09.2013 but only approached this court on 14.10.2016, after a significant delay. The doctrine of laches can be a legal bar to relief if a party delays too long in seeking a remedy. Laches is a defense that a court can use to deny a claim if a party's unreasonable delay in pursuing their legal rights has prejudiced the other party.

7. The second issue is whether a contractual employee has a vested right to regularization or absorption based on their contractual service length. The consistent stance of the Supreme Court is that contractual employees possess no inherent right to regularization. Regularization can only be considered based on fitness, suitability, and applicable departmental laws and rules. Cases like *Khushal Khan Khattak University v. Jabran Ali Khan* (2021 SCMR 977), *Government of Khyber Pakhtunkhwa v. Raheel Ali Gohar* (2020 SCMR 2068), and others reiterate that regularization requires a legal and statutory basis. Contractual employees serve at the pleasure of their master and cannot seek reinstatement for wrongful termination, only compensation through a competent court. *Chairman NADRA v. Muhammad Ali Shah* (2017 SCMR 1979) clarifies that contractual employees are governed by their contract terms until regularized and generally cannot invoke the High Court's constitutional jurisdiction. The Supreme Court has repeatedly held that temporary, contract, or project employees lack a vested right to regularization unless their initial appointment followed regular recruitment rules against sanctioned vacant posts, which is not the case here. *Vice-Chancellor, Bacha Khan University v. Tanveer Ahmad* (2022 PLC (C.S.) 85), *Pakistan Telecommunication Company Ltd. v. Muhammad Samiullah* (2021 SCMR 998), *Government of Khyber Pakhtunkhwa v. Sher Aman* (2022 SCMR 406), and *Deputy Director Finance and Administration FATA v. Dr. Lal Marjan* (2022 SCMR 566) all decisions confirm that regularization is not a vested right but requires a statutory basis, which is absent in this instance. A contractual employee seeking regularization must demonstrate this statutory basis, as relief cannot be granted solely on the principle of "similarly placed persons."

8. For the reasons outlined, this petition is dismissed due to the doctrine of laches, with no order as to costs.

JUDGE

Head of Constitutional Benches