

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

Constitutional Petition No. D-6920 of 2016  
*(Owais Ali & 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. Malik Altaf Hussain advocate for the petitioner  
Mr. Mohsin Shahwani, Additonal Attorney General  
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**ORDER**

**Adnan-ul-Karim Memon, J:** Contract employees (Owais Ali, Jawed Hussain, Muhammad Danish Baig, Muhammad Waseem Khan, Amjad Tarique, and Shamsul Mustafeez) appointed by the Hyderabad Development Authority (HDA) had their contracts repeatedly extended. Following a 2016 HDA policy decision to eliminate the budget for contract salaries, the petitioners avered that they were effectively terminated without individual orders. They further added that they should have been regularized under the Sindh (Regularization of Adhoc and Contract Employees) Act, 2013, submitting their regularization cases were submitted in 2013, and despite the formation of Scrutiny Committees in 2014, their cases were not considered. The petitioners also highlighted HDA's failure to increase staff despite Hyderabad's growth and the appointment to over 1188 vacant regular positions. They claimed their ongoing contract renewals with short breaks were exploitative and illegal. Consequently, they request that this court declare that they were not legally terminated, the 2016 policy is not a termination order, and order their reinstatement, regularization under the 2013 Act with benefits, immediate release of unpaid salaries, and an end to alleged harassment.

2. The respondents have formed a committee to review the cases of former HDA employees (contract, work-charge, daily wage) based on a Supreme Court order dated November 29, 2023, and the Sindh Regularization Act of 2013. This committee comprises officials from the Local Government & HTP Department and the Secretary of HDA. The petitioners request that this present petition be resolved following the Supreme Court's directive.

3. The respondent HAD, through comments submitted that the petition is legally flawed and filed with malicious intent to harass the HDA administration. They submitted that the petitioners were contractual work-charged employees paid from contingencies for six-month terms with no service continuity, and their services automatically ended upon contract completion, as per their agreed terms, which explicitly denied claims for regularization, promotion, or fringe benefits. The respondent refuted the termination claim, calling the budget cut an administrative

cost-saving measure with potential for re-hiring skilled staff transparently. They asserted the Sindh Regularization Act doesn't apply to HDA employees as they are not "Civil Servants" under the relevant act, and the petitioners waived regularization rights in their contracts. The respondent dismisses the relevance of the 2013 letter, objects to the petitioners' interference in HDA affairs, and explains contract hiring was due to a hiring ban, now lifted with merit-based filling of vacancies planned. They denied exploitation, stating the petitioners agreed to contract terms. The respondent submitted that the petition is legally unsound under Article 199 due to no infringement of fundamental rights, citing a Supreme Court ruling on work-charged employees' limited rights. They also claimed that the petitioners should have first appealed to the Secretary of Local Government and had an alternate remedy in the Civil Court as non-civil servants. The respondent further argues that the petitioners, as temporary contract workers, lack entitlement to certain fundamental rights and that the Regularization Act is inapplicable due to their contract terms and discontinuous service. They emphasized the petitioners were not hired against regular posts and an alternate remedy exists, deeming the petition inappropriate and potentially misconduct by the counsel, requesting its dismissal with costs and objecting to the joint nature of the petition. Regarding the petitioners' demands, the respondent maintains the "termination" was lawful based on the contracts, the budget cut was administrative, reinstatement is legally untenable for work-charged staff, the Regularization Act is irrelevant, all payments are complete, harassment claims are unfounded as they are no longer employees, and no interim order is justifiable.

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

5. The respondents have established a committee, including representatives from the Local Government & HTP Department and the Secretary of HDA, to examine the cases of former HDA contract, work-charge, and daily wage employees, in light of a Supreme Court order from November 29, 2023, and the Sindh Regularization Act of 2013. While the petitioners request a resolution of their petition per the Supreme Court's directive, the learned Assistant Advocate General (AAG) submitted that their case does not fall within the scope of that Supreme Court decision and thus cannot be decided on those terms, praying for the dismissal of the petition. Regardless, let this matter first be referred to the Secretary of the Local Government Department to scrutinize the petitioners' case. If their case falls outside the purview of the newly formed committee, the petitioners must be granted a hearing, and a decision should be reached within three months.

6. This petition stands disposed of in the above terms.

JUDGE

Head of Constitutional Benches