

9

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
C.P. No.D-329 of 2016.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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1. For orders on office objection 'A'.
2. For Hearing of M.A.No.1877/2016.
3. For Hearing of main case.

28.02.2018

Mr. Asif Ali Abdul Razak Soomro, advocate for the petitioner.

Mr. Bashir Ahmed Dargahi, advocate for the respondents No.1 to 3.

Mr. Nisar Ahmed Abro, D.A.G.

Bashir Ahmed Hisbani, Project Director, Naulong Dam Project is present.

Petitioner was appointed on 27.05.2013 as Sub Engineer (Civil) on daily wages against the regular sanctioned post with respondent No.1, Pakistan Water and Power Development Authority (WAPDA) for 89 days. However, his services in the said capacity were retained from time to time till an office order dated 14.03.2016 was issued proposing his termination and at his place adjustment of Mr. Wajid Ali Malik, Sub-Engineer on account of freezing of his post of Sub-Engineer in the office of Project Director RBOD-III Project WAPDA Sukkur and resultantly his being spared there-from. The petitioner filed the petition challenging the said office order and on 31st March 2016 ad-interim order to the respondents not to take any coercive action against him was passed. In view of such order, the proposed termination of the petitioner was deferred and he was allowed to continue work in service in the said capacity.

Learned counsel for the petitioner has referred to an office order dated 15.05.2008 at page 15 Annexure B passed by Dy; Manager (Services) HESCO (WAPDA) Hyderabad stipulating regularization of contract, work charged and daily wages employees, in the terms of which the requisite period for regularization of daily wages employees was reduced from five years to three years. This policy as well as the petitioner's being in service has not been disputed by the other side. The only arguments which has been raised before us is that the

11


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petitioner was short of two months of requisite period i.e 03 years when his termination was proposed but due to an interim order passed in his favour, his termination was deferred and he was permitted to work. Therefore he is not entitled for regularization However, it has been admitted that after that the petitioner has continued in service and has completed more than three years and now he in terms of the office order dated 15.05.2008 referred to above is eligible for regularization of his service.

The learned counsel for the petitioner has cited the examples of some of the colleagues of the petitioner who were working with him in the said Project in the said capacity and after completion of three years in service on daily wages were regularized. This aspect of the case has not been denied either by the other side and it goes to denote that the said policy of regularization is being implemented by the respondents in the subject project. We therefore see no legal impediment in the way of regularizing the services of the petitioner when he has already completed the requisite period of three years service on daily wages. Even otherwise at the time when he was proposed to be terminated from service, was short of two months from the requisite qualification to earn a right to be regularized in service. Mr. Bashir Ahmed Hisbani, Project Director is present and has submitted at this juncture that within a period of one month the service of the petitioner would be regularized and such compliance report would be produced before this Court. Accordingly, this petition in the terms stated above is allowed. The service of the petitioner be regularized within the above stipulated period and compliance report be submitted.

The petition stands disposed of along with listed application.

R h =
Judge


Judge 28/2/2018