

IN THE HIGH COURT OF SINDH AT KARACHI
CP. No. D-6484 of 2022
(Mst. Sumaira Shakeel & others v Province of Sindh & others)

Date	Order with signature of Judge
	Before: Mr. Justice Muhammad Karim Khan Agha Mr. Justice Adnan-ul_Karim Memon

Date of hearing and Order: 26.05.2025

M/s. Nadeem Ahmed and Jameel Anwar Jaffery advocates for the petitioners.
Malik Altaf Jawed advocate for KMC.
Mr. Ali Safdar Depar Assistant Advocate General.

ORDER

Adnan-ul-Karim Memon, J: Petitioners are seeking the following relief(s):-

- Direct Respondent No. 1 (KMC officials)* to immediately transmit the complete service records of all 40 contractual teachers, including the petitioners, to *Respondent No. 9 (Director Education DMC)*, as requested in letter No. DE/DMC/C/372/2022 dated February 23, 2022.
- Direct Respondent No. 9 (Directorate of Education DMC)* to promptly obtain these service records from KMC officials and finalize the regularization process for the 40 teachers, including the petitioners, a matter long pending with *Respondent No. 2 (Local Govt. Department Sindh)*.
- Direct Respondent No. 1 (Government of Sindh)* and *officials of Respondent No. 2 (Local Govt. Department Sindh)* to regularize and confirm the posts of the 40 contractual teachers, including the petitioners, without further delay.
- Direct the Respondents* to release all withheld salaries due to the petitioners for the period of 2011-2015.
- Further direct the competent Respondents* to pay all back benefits to which the petitioners are legally entitled, commencing from their respective appointment dates.
- Direct the Respondents* to promote the petitioners according to their qualifications immediately upon the regularization and confirmation of their services, as per policy.
- Restrain the Respondents* from taking any adverse action against the petitioners until the final disposition of this petition.
- Direct the Respondents* not to disturb the petitioners, discontinue their salaries or service contracts, and specifically *restrain them from transferring* the petitioners (female teachers) to locations far from their residences.
- Grant any other relief deemed appropriate by this Honorable Court.
- Award the costs of this petition to the petitioners.

2. For years, dedicated Primary and High School Teachers in Karachi, Sindh, hired contractually by the Karachi Metropolitan Corporation (KMC) and later transferred to the District Municipal Corporation (DMC)-Central, have faced significant employment challenges. These educators, who have been teaching since 2011-2014, are seeking justice for several grievances, it is averred by them that despite a beneficial law (The Sindh (Regularization of Ad-hoc and Contract Employees) Act) 2013, designed for this purpose, their services have not been regularized, even though other contractual employees were regularized between

the making point and their withheld for nine months, from December 2015 to August 2016, causing severe financial distress. They submitted that the process of regularizing their employment has been repeatedly delayed, often attributed to a pending Supreme Court case about which the teachers have received no information. Additionally, it is their case that KMC's failure to provide essential service records to DMC-Central further obstructs the regularization process. They feel targeted and unfairly treated due to the authorities' refusal to regularize their positions and provide equitable compensation. They are now concerned about potential retaliatory actions, such as salary discontinuation, contract termination, or involuntary transfers to distant locations.

3. The petitioners' counsel contended that the respondents' actions are unlawful and unjust, directly violating fundamental rights guaranteed by the Constitution of the Islamic Republic of Pakistan, 1973 (Articles 4, 9, and 25). He asserted that the respondents are deliberately delaying the regularization process and depriving the teachers of their rightful benefits. Furthermore, he argued that the respondents are flouting principles of natural justice and good governance by discriminating against the petitioners, especially since other similarly situated employees have been regularized. To rectify these injustices, the petitioners are seeking this Court's intervention, specifically requesting directions as discussed *supra*.

4. The Assistant Advocate General (AAG) and the KMC's counsel argued that the petitioners are not KMC employees, contrary to their claims. They asserted that the matter falls under the purview of the Town Municipal Corporations, which were formed from the defunct DMC-Central, and thus, they requested the dismissal of the petition.

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

6. Currently, both departments are disclaiming responsibility for the appointments, despite the petitioners purportedly working in the KMC's education department. The Secretary Local Government Department (Respondent) should resolve this issue at his end by coordinating with KMC and DMC-Central, where the petitioners claimed employment. If the petitioners' appointments are verified as genuine, their regularization case must be considered. This petition is accordingly disposed of, with the regularization process to be completed within three months, contingent on the petitioners' educational qualifications and eligibility for the respective posts.

JUDGE

Head of the Const. Benches