

THE HIGH COURT OF SINDH, KARACHI

Before:

Justice Mohammad Karim Khan Agha

Justice Adnan-ul-Karim Memon

CP No D-3170 of 2020

[Shahzad Hussain and others v. Federation of Pakistan and others]

Petitioners : through Nisar Ahmed, advocate.
Respondents No. 1 and 2 through Ms. Wajiha Mehdi, Assistant Attorney General
Date of hearing : 08-05-2025
Date of order : 08-05-2025

ORDER

Adnan-ul-Karim Memon, J. The Petitioners request that this Court declare their right to regularization as per the Cabinet Sub-Committee's Minutes. They further seek a declaration that the Respondents' June 14, 2020, advertisement in the Daily Duniya for new staff violates the intent and wording of those Minutes and may be suspended. The Petitioners also pray for a directive ordering the Respondents to stop the fresh recruitment, acknowledging their over twelve years of service and their priority for permanent regularization and promotion to their existing roles based on merit. Finally, they request a directive compelling the Respondents to immediately grant permanent status to all named Petitioners in their current contract or temporary positions, based purely on merit and in line with the law, procedure, and the 2nd Director Conference 2019 guidelines.

2. Computer Operators and System Analysts at Cantonment Board Faisal, appointed in 2007-2008, petition for regularization, citing a 2008 Ministry of Defence post approval. Subsequent official communications (2010-2014) within the Cantonment Board and to higher authorities addressed their regularization. They highlighted their inclusion in the 2012 Cabinet Sub-Committee minutes for the regularization of long-serving contract/daily wage employees. Despite their sanctioned posts, diligent service, and other regions' regularization following the same Cabinet decision, their requests since 2015 have been unmet. A 2019 Director Conference directive supported permanent status for temporary employees with 10+ years of service in cantonment boards, prompting their further application. Their 2020 appeal reiterated these points, however without any fruitful result, in the meanwhile the respondent No. 02 advertised fresh recruitment for their positions in June 2020, compelling this court to pass interim order in favour of the petitioners.

3. Learned counsel for the petitioners argued that the Petitioners, having served for more than twelve years, are being unjustly denied their rightful regularization of service. They seek court declarations and directives to mandate their permanent appointment and cantonment board and to halt the ongoing fresh recruitment process for the positions they

currently occupied. In support of his contention, he relied upon the cases of Pakistan Railways v Sajid Hussain **2020 SCMR 1664**, Board of Intermediate and Secondary Education v Muhammad Altaf, **2018 SCMR 325**, PirImran Sajid v M.D/G.M Telephone Industries of Pakistan & others **2015 SCMR 1257**, Province of Sindh v Ahmed Hussain **2013 SCMR 1547**, Munir Masih & others v Secretary Local Gover and Community Development & others **2019 PLC(C.S) 590**, Safdar Mahmood v Federation of Pakistan & others **2016 PLC(C.S) 936**, Execuctive Engineer, Central Civil Division Pak PWD v Abdul Aziz **1996 SCMR 610**, Najaf Haider & others v Federation of Pakistan **2012 PLC (C.S) 1220**. He lastly prayed for allowing the instant petition.

4. Learned AAG opposed the petition, arguing that without a specific regularization policy or law within the respondent department, the requested regularization of service cannot occur, and therefore, the petition may be dismissed.

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

6. Cantonment Boards, operating under the Cantonments Act, 1924, and overseen by the ML&C Department, primarily govern their employees' service terms through the Pakistan Cantonment Servants Rules, 1954. While these rules detail appointments, they lack a specific regularization policy. However, government and Cabinet decisions, as well as the 2019 Director Conference directive and case law on the subject issue favoring permanent status for temporary employees with over 10 years of service with available posts, often guide regularization in public sector entities and could apply in the cantonment boards. It appears that the Petitioners have served over 12 years (since 2007-2008), were seemingly listed for regularization per Cabinet Sub-Committee decisions, meet the 10-year service criterion, and their advertised vacancies suggest available posts.

7. The petition also notes past regularization in other Cantonment Board regions. Therefore, the competent authority of the Respondents is directed to resolve this issue at their end as per policy and law, within three months by hearing the Petitioners and determining if they meet the government's regularization criteria. This petition is disposed of under these terms.

JUDGE

HEAD OF CONST. BENCHES