

IN THE HIGH COURT OF SINDH AT KARACHI

CP. No. D-8068 of 2019

(*Ajay Kumar Sehvani 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: 05.05.2025

Mr. Muhammad Ahmer advocate for the petitioners.

Mr. Ali Safdar Depar, AAG

ORDER

Adnan-ul-Karim Memon, J: The petitioners pray for a court declaration confirming their right to regularization as Provincial Disaster Management Authority (PDMA) employees since 2012, as per the Sindh Regularization Act, 2013. They also seek a declaration that the PDMA Board's decisions to change their status to "work rendered" are unlawful, discriminatory, and should be overturned. Finally, they request a court order directing the issuance of their regularization letters and associated benefits.

2. The petitioners' counsel contended that their clients, contract employees at PDMA Sindh since 2012, are contesting the plan to reclassify them as "service rendered." He argued that this move violated existing regularization laws, especially since their regularization was already under consideration. He added that PDMA, established under the National Disaster Management Act 2010, initially hired the petitioners as internees before making them contract employees. Counsel highlighted that the Sindh Regularization of Adhoc and Contractual Employees Act, 2013, mandated the regularization of eligible contract employees employed before its enactment. While Scrutiny Committees reviewed the petitioner's cases, and the PDMA Board had seemingly agreed to regularization (pending committee approval), the subsequent 2016 PDMA rules (stating pre-existing staff were under these new rules) were cited. Ultimately, the Board decided in early and late 2019 to change the petitioner's status to "service rendered" while new hiring occurred. The petitioners' counsel argued that their employment, established through due process, constitutes a vested right, enforceable and not subject to later changes under the principle of locus poenitentiae (which only applies before a decisive step). Since there were no allegations of misconduct or ineligibility in their appointments, their acquired rights cannot be reversed. He requested that the petition be allowed.

3. The learned AAG argued against the petition, stating the petitioners' 2012/2013 appointments lacked mandatory codal formalities

(advertisement, selection committee, minutes), and therefore, Service Rule 20 doesn't protect them. He contended they weren't "otherwise eligible" for regularization under the 2013 Act due to this flawed initial process, further complicated by unverified degrees and missing recruitment rules during reviews. The AAG contrasted their situation with previously successful regularizations that followed proper hiring procedures and requested the petition's dismissal.

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

5. The petitioners, PDMA contract employees since 2012, contest their reclassification to "service rendered" after their regularization was considered, citing the 2013 Act and vested rights. However, the AAG argued their initial 2012/2013 hiring lacked required codal formalities (advertisement, selection committee, minutes), making them ineligible for regularization under the 2013 Act, a flaw compounded by unverified degrees and missing recruitment rules. Furthermore, appointments lacking transparency and fair competition violate the Constitution and are void, a point supported by the Supreme Court's ruling in *Muhammad Suleiman Vs Chief Secretary, Government of Khyber Pakhtunkhwa, 2023 SCMR 1932*.

6. This court orders a reassessment of the petitioners' credentials and eligibility for their current posts by a committee headed by the Chief Secretary. This reassessment should include degree verification and the fulfillment of other codal formalities. A decision will be made within three months after hearing the petitioners. This petition is disposed of in line with the Supreme Court's judgment in *Muhammad Suleiman Vs Chief Secretary, Government of Khyber Pakhtunkhwa, 2023 SCMR 1932*.

JUDGE

Head of the Cost. Benches