

**IN THE HIGH COURT OF SINDH, KARACHI**

**Constitutional Petition No.D-4647 of 2023**

*(Shabbir Hussain & others versus PIA & others)*

Before:

**Justice Muhammad Karim Khan Agha**

**Justice Adnan-ul-Karim Memon**

**Date of hearing & Judgment: 09.10.2025**

Mr. Farhatullah advocate for the petitioners.

Mr. Khalid Mehmood Siddiqui, advocate for PIAC.

Mr. Ghulam Rasool, advocate for Respondent No.2.

Ms. Wajiha Mehdi, Assistant Attorney General.

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**ORDER**

**Muhammad Karim Khan Agha J.** Through this petition, the petitioners seek the following relief(s):-

- A. *To direct the Respondents to implement the directions dated 25.12.2022 and 28.02.2023 (Annexure P-11 & P12) issued by National Assembly's 13-Member Special Committee headed by Mr. Qadir Khan Mandokhel, MNA, and regularize the services of the petitioners in Respondent No.1*
- B. *Direct the Respondent No.1 & Respondent No.2 not to harass/transfer the petitioners or terminate their services, pending disposal of this petition.*

2. The Petitioners are claiming to be contract employees of Pakistan International Airlines Corporation (PIAC/Respondent No.1), working for several years, some for over two decades, against permanent posts such as Technician, Cargo Assistant, Helper, TGS Operator, Loader, and Cleaner in various departments. They were hired through requisitions issued by PIAC's HR Department but engaged via different contractors to avoid extending the benefits of permanent employment. Although contractors' names changed over time, the Petitioners' duties and terms of employment remained the same. Respondent No.2, Skyrooms (Pvt.) Limited, a subsidiary of PIAC, now provides human resource services to Respondent No.1 and continues the same practice of employing Petitioners on contract. The Petitioners have repeatedly demanded regularization, holding demonstrations and submitting representations to government authorities, but Respondent No.1 has not acted on their requests. Following a National Assembly Motion dated 10.10.2022, a Special Committee headed by MNA Mr. Qadir Khan Mandokhail directed the regularization of daily wage and contract employees of CAA and PIA. Many other federal and semi-government institutions have complied with these directions, but PIAC has refused. The Petitioners' representations for regularization were ignored despite similar cases being upheld by various courts, including the Gilgit-Baltistan Chief Court (Order dated 03.04.2023) and the Balochistan High Court (Judgment dated 29.12.2016, upheld by the Supreme Court on 29.03.2018). The Petitioners assert

that, as they perform permanent duties under PIAC's control and since their contractor (Respondent No.2) is a PIAC subsidiary, they are in fact PIAC employees. Instead of implementing the Committee's directions, PIAC management has resorted to intimidation; on 18.07.2023, Respondent No.2, with PIAC CEO's approval, issued a show-cause notice to Petitioner No.1, threatening disciplinary action for agitating workers' rights.

3. Learned counsel for the Petitioners argued that Respondent No.1's failure to implement the directions of the National Assembly's Special Committee headed by MNA Mr. Qadir Khan Mandokhail (the *Mandokhel Committee*) has deprived the Petitioners of their fundamental rights under Articles 9, 25, and 27 of the Constitution. He contended that the Respondents are legally bound to regularize the Petitioners' services as directed by the Committee and supported by the Ruling of the Chair of the National Assembly, which is final under Rule 28 of the Rules of Procedure and Conduct of Business in the National Assembly, 2007. Counsel submitted that several Ministries, Divisions, and semi-government bodies such as WAPDA, AGPR, APP, IB, and others have already regularized their contract employees in compliance with the Committee's directions, but Respondent No.1 has failed to do so, thereby discriminating against the Petitioners. He further argued that retaining employees on a contractual basis against permanent posts is contrary to the law and has been condemned by the superior courts as a fraud on the statute. He emphasized that the Notification dated 28.02.2023 expressly directed the regularization of all daily wage and contract employees of CAA and PIA, yet the Respondents have neglected their statutory duty to implement it. Finally, he stated that the Petitioners have no other case pending before any court or tribunal and prayed for the acceptance of the petition.

4. Counsel for Respondent No.1 contended that the Petitioners are employees of *Skyrooms (Pvt.) Ltd.*, a private company, and not of PIACL, as they themselves admitted by producing their *Letters of Temporary Hiring*. He argued that their claim for regularization in PIACL based on the recommendations of the *Mandokhail Committee* is misconceived since the Islamabad High Court, vide judgment dated 27.09.2023 (announced on 13.10.2023), has declared such recommendations illegal and void, directing that they not be implemented. He further argued that since some contract employees have already approached Labour Tribunals for regularization, the Petitioners have an alternate and efficacious remedy, making this petition not maintainable. The allegations made in the petition were denied as false and misleading. Counsel added that the show-cause notice issued to Petitioner No.1 was due to alleged misconduct and has no connection with the regularization issue. He therefore prayed for dismissal of the petition.

5. Learned counsel for respondent No.2 and learned Assistant Attorney General have adopted the arguments as advanced by learned counsel for respondent No.1.

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

7. The Petitioners, long-serving contract employees of Pakistan International Airlines Corporation (PIAC), have worked for years-some for over two decades-on permanent roles such as Technician, Cargo Assistant, and Loader. Although hired through PIAC's HR requisitions, they were engaged via various contractors, now including PIAC's subsidiary Skyrooms (Pvt.) Ltd., to deny them regular employment benefits. Despite performing permanent duties under PIAC's control, their requests for regularization have been ignored. A National Assembly Special Committee (10.10.2022) instructed the regularization of PIA and CAA contract staff, which has been implemented elsewhere but is denied by PIAC. Instead, management issued show-cause notices and threatened disciplinary action against workers advocating regularization. However, the respondents denied this stance, claiming that the Special Committee's recommendations, as discussed above, lacked lawful authority and are void from the outset, meaning that regularization of the petitioners' services in respondent PIAC cannot be based on such recommendations.

8. We have been informed that the Islamabad High Court, in its order dated 27.09.2023 in W.P. No. 4657/2022 and connected petitions, held that the Special Committee constituted under the Rules of Procedure and Conduct of Business in the National Assembly, 2007, cannot act beyond its terms of reference as stated in the circular dated 12.10.2022. It reiterated that what is prohibited by law cannot be done indirectly. The learned Single Bench of the Islamabad High Court noted that the Federal Government's representative did not support the Committee's recommendations and that the National Assembly's term had already expired. Consequently, the Committee's recommendations were declared void and without legal effect. All ministries, departments, and organizations, including EOBI, CDA, OPF, Pakistan Steel Mills, and FIA, were directed not to implement or enforce them. Any actions taken or proceedings initiated based on those recommendations were also declared illegal and void ab initio. Accordingly, all writ petitions were allowed, and Criminal Original No. 47 of 2023 was disposed of.

9. The Islamabad High Court relied on two settled principles of administrative and constitutional law: (i) what cannot be done directly cannot be done indirectly (*Quando aliquid prohibetur, prohibetur et omne per quod*

*devenitur ad illud*), and (ii) a statutory body must act strictly within its legal authority. In *Federation of Pakistan v. Aitzaz Ahsan* (PLD 1989 SC 61) and *Hussain Nawaz Sharif v. Federation of Pakistan* (PLD 2018 SC 189), the Supreme Court held that acts beyond legal or constitutional mandate are void. Similarly, in *Muhammad Yousaf v. Province of Punjab* (PLD 2016 Lahore 610), such acts were declared void ab initio. Once the National Assembly's tenure ended, any committee formed under it ceased to exist. As affirmed in *Benazir Bhutto v. Federation of Pakistan* (PLD 1988 SC 416) and *Government of Balochistan v. Azizullah Memon* (PLD 1993 SC 341), actions beyond jurisdiction are null and void. Accordingly, the Court held that the Special Committee's recommendations were without lawful authority, void ab initio, and all consequential actions stood quashed, exonerating the petitioners.

10. We have been apprised of the fact that since an Intra-Court Appeal is pending before the Division Bench of the Islamabad High Court against the order dated 27.09.2023 passed in W.P. No. 4657/2022 and connected petitions, we refrain from examining the merits of the case. The petitioners may await that decision and, if similarly placed colleagues succeed, may approach this Court for relief, subject to all just exceptions as provided under the law.

11. The petition is disposed of accordingly, without touching the merits.

HEAD OF CONST. BENCHES

JUDGE

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