

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**

Constitutional Petition No. D-3442 of 2021  
(*Abdul Majeed & others versus Province of Sindh & others*)  
Constitutional Petition No. D-3443 of 2021  
(*Abid Ali Shoro & others versus Province of Sindh & others*)

Date	Order with signature of Judge(s)
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Before:

Mr. Justice Muhammad Karim Khan Agha  
Mr. Justice Adnan-ul-Karim Memon

**Date of hearing and order:- 04.11.2025**

Mr. Muhammad Arshad Khan Tanoli advocate for the petitioner  
Mr. Danish Rashid advocate along with Humaira Jatoi advocate.  
Ms. Saima Imdad, Assistant Advocate General

**ORDER**

**Muhammad Karim Khan Agha, J:** The petitioners have prayed  
as under:-

1. Respondent be directed to finalize the proceedings of the summary initiated on 07.05.2018, in pursuance of the cabinet decision of Government of Sindh and the order passed thereon on 16.05.2018 and regularize the Services of the petitioners like others, either statutorily or administratively without any discrimination;
2. To direct the Respondents to take necessary steps in pursuance of the letter dated 17.08.2020 and complete the process of bringing the scheme known as (Sindh Agricultural Growth Project Live Stock (Component) in Livestock & Fisheries Department Government of Sindh from development to non-development budget and consequently regularize the services of petitioners;
3. To direct the Respondents No.2, to appoint/adjust the eligible/relevant petitioners against the vacant and newly created posts of BPS-01 to 04, advertised in the News papers with closing dated on 09.06.2021, and further restrain to filling the said post in pursuant to said advertisement;
4. To direct the Respondents No. 2 & 3 to revise the salaries of the petitioners under the Office Memorandum dated 19.07.2017 w.e.f. 01.07.2017 and pay the arrears of pay to petitioners;
5. That the Respondents be restrained from terminating the services for the petitioners treating them as contract employees during the pendency of this petition.

2. The petitioners, appointed in the PMU and PIUs of the Livestock Component through a merit-based process after newspaper advertisement, contend that their appointments should be treated as regular since they were made against permanent posts. Their counsel argues that under the law, no temporary or contract appointment can be made against a permanent post, and the nature of employment must be determined by substance, not terminology. He submits that the respondents must justify the legal basis for making contract appointments against permanent posts and that the petitioners are entitled to the same treatment as similarly placed employees in the Health, Education, and Livestock & Fisheries

Departments. Reliance is placed on *Shahawaz & others v. Province of Sindh (2023 PLC (CS) 447)* and order passed in C.P. No. D-4609/2019.

3. Conversely, the learned AAG opposed the petition, arguing it is misconceived in law and fact and liable to dismissal. She contended that the petitioners were appointed purely on a temporary, project-based contract, having accepted those terms knowingly. Since their appointments were limited to the project's duration, they have no vested right to regularization.

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

5. The question of law that falls for the determination by this Court is whether the project employees could be regularized after the expiry of the project?

6. To understand the proposition, it is necessary to define the term "project." Generally, a project refers to a temporary undertaking with a specific objective, after which employees hired for its duration are released from service. As held in *Pakistan Railways through Chairman Islamabad and another v. Sajid Hussain and others (2020 SCMR 1664)*, a project is an undertaking for a limited period that ends once its objective is achieved, funding ceases, and the basis for employing project staff no longer exists. At this stage we have been informed that the project no longer exists and was not taken over by the Sindh Government on the non-development side. Therefore, the petitioners cannot be regularized on posts related to a project that has ceased to exist.

7. The cited decision concerns a different matter. In this case, there is no directive from the Provincial Cabinet's meeting of 29.03.2018 regarding the petitioners' regularization. In addition, it for the department to ascertain whether they met the required criteria or eligibility. The Cabinet had only directed departments to regularize contract employees who meet the criteria, are qualified, and perform satisfactorily. However, in the present case the department informed that the matter of regularization of contract employees of development schemes/programs of the Livestock and Fisheries Department was duly processed. The summary moved to the Chief Minister was examined by the Law Department and SGA&CD, and it was decided that the issue be placed before the Provincial Cabinet as a policy matter. The Provincial Cabinet, in its meeting held on 15.04.2022, considered the report of the Sub-Committee on financial implications and endorsed its recommendation to decline the request for regularization of contract employees of the said development schemes/programs. It is further noted that the relevant scheme

*Sustainable Livestock Development for Rural Sindh (JICA)* concluded on 30.06.2021. Since the petitioners are no more working for the project as discussed supra so their regularization is altogether different scenario, in terms of decision of the cabinet.

8. Based on the facts and applicable law, it is evident that the petitioners were appointed under a time-bound development project (*Sustainable Livestock Development for Rural Sindh – JICA*), which concluded on 30.06.2021 and was not taken over by the Sindh Government on the non-development side. As settled in *Pakistan Railways through Chairman Islamabad and another v. Sajid Hussain and others* (2020 SCMR 1664), employment under a project automatically ends with the completion of that project, since the funding and purpose for which the employees were hired no longer exist. Furthermore, the Provincial Cabinet, in its meeting dated 15.04.2022, declined the proposal for regularization of such contract employees. There is also no directive from the Cabinet's earlier meeting of 29.03.2018 authorizing their regularization.

9. Accordingly, the petitioners, having been engaged for a project that has ceased to exist and lacking any Cabinet approval or legal basis for regularization, do not fulfill the requisite criteria. Therefore, their claim for regularization is not maintainable in law and the petitions merits dismissal. Accordingly these petitions are dismissed with pending application(s).

HEAD OF CONST. BENCHES

JUDGE