

**HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

C.P. No. D-156 of 2023
[Syed Waqar Ali Shah and Others vs. Province of Sindh and Others]

C.P No. D-1123 of 2023
[Asif Ali Shah and Others vs. Province of Sindh and Others]

Before:

**JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE RIAZAT ALI SAHAR**

M/s Ishrat Ali Lohar and Ghulam Shabbir Mari, advocates for petitioners
Mr. Rafique Ahmed Dahri, Assistant A.G Sindjh

Date of hearing and decision: 04.12.2025

ORDER

RIAZAT ALI SAHAR, J: - Through these petitions petitioners seek regularization of their service and withdrawal of MoU dated 08.03.2023 followed by letter dated 12.07.2023. Since common question of law is involved in these petitions, as such both are being decided through this common order.

2. Counsel representing the petitioners contend that petitioners was inducted into service against various posts by the Health Department Government of Sindh under Accelerated Action Plan Project in the year 2020 and their service contract was extended from time to time keeping in view their satisfactory service; that however, instead of regularizing the services of the petitioners, the subject Project alongwith staff was handed over to PPHI vide MoU signed between Health Department and PPHI followed by letter dated 12.07.2023. Counsel maintain that respondent Health Department is bound by law to regularize the services of the petitioner since they are performing their duties diligently and against the posts which are regular in nature, but instead of doing so the respondent Health Department transferred them to PPHI, though the petitioners have no nexus with PPHI; that action of the respondent Health Department is illegal, unlawful and equal to create inroads over the fundamental rights of the petitioners.

3. Learned AAG opposed the petitions and argued that petitioners were appointed purely on contract basis in a project and terms and conditions of their services were duly accepted by them, therefore, now they cannot claim regularization as a matter of right. As far as impugned MoU and letter dated 12.07.2023 are concerned, learned AAG submits that subject program was launched in the year 2016 and certain staff was appointed purely on contract basis for achieving the desired result; that though the service contract of the petitioners was extended in the year 2022, however as a policy matter the matter was placed before the Provincial Cabinet for transfer of administrative control of the subject project to PPHI to ensure the uninterrupted efforts smooth implementation to achieve the settled targets; that with the approval of Chief Minister the matter was accordingly placed before the Cabinet on 06.01.2023 which approved the transfer of subject project to PPHI alongwith staff which was accordingly done vide letter dated 21.07.2023; that petitioners have no locus standi to challenge the policy matter, therefore, these petitions are liable to be dismissed.

5. Arguments heard and record perused.

6. The record reflects that the petitioners have been serving in the Health Department under the Accelerated Action Plan since 2020, and their contracts were extended repeatedly on account of satisfactory performance. Although the respondents contend that their appointments were purely contractual and project-based, the admitted fact remains that the petitioners have rendered multiple years of uninterrupted service in posts which are, in essence, permanent and integral to the ongoing public health framework. The prolonged retention of employees under successive contractual extensions creates a legitimate expectation that their cases shall be objectively considered for regularisation, particularly when the nature of their duties is regular and not seasonal or incidental.

7. Even if the transfer of the Project to PPHI is an administrative policy decision, such action cannot extinguish the rights that have already crystallised in favour of the petitioners due to their long-standing service. While this Court cannot, in exercise of constitutional jurisdiction, direct their automatic absorption or bypass lawful procedures, it can ensure that their claim for regularisation is duly evaluated in accordance with law, policy, and principles of fairness.

8. In the circumstances, and keeping in view the long period for which the petitioners have served the Department, it would be just, equitable, and in consonance with good governance that their cases be duly considered in the **policy decision** regarding regularisation/ adjustment of contractual employees. Such consideration must be undertaken strictly subject to their qualifications, eligibility, availability of sanctioned posts, and verification of service record, without any discrimination or arbitrary exclusion.

9. The Health Department, therefore, is directed to place the cases of the petitioners before the competent authority/Cabinet Committee as per policy exercising with regard to regularisation or adjustment of project employees subject to all just exceptions as permitted under the law. A detailed, speaking order/report shall be submitted before the Additional Registrar of this Court within a period of two (02) months, demonstrating compliance and articulating the decision taken.

10. With these observations and directions, the petitions stand *disposed of*.

JUDGE

JUDGE