ORDER SHEET

THE HIGH COURT OF SINDH, BENCH AT SUKKUR

C. P. No. D – 1671 of 2023
[Khuram Ahmed Bhatti & another v. Province of Sindh & others]

Present:
Mr. Justice Adnan Iqbal Chaudhry
Mr. Justice Muhammad Hasan (Akber)

For Petitioners	:	Mr. Rahmat Ali Shaikh, Advocate
For Respondents	:	Mr. Ali Raza Baloch, Additional Advocate General Sindh
Date of hearing	:	28.10.2026
Date of decision	:	28.10.2026

ORDER

Adnan Iqbal Chaudhry J.– The petitioners were appointed by the Workers Welfare Board Sindh on contingency basis as Electrician and Caretaker respectively in the year 2018. They now pray for a writ for regularization of service.

2. Admittedly, the petitioners are working with the Board on contingency basis. It is settled law that in the absence of a statute or expressed Government policy requiring or enabling the employer to regularize contingency employees, no writ can issue to do so under Article 199(1)(a) of the Constitution. The binding precedents of the Hon'ble Supreme Court holding so were discussed by the Full Bench of this Court in the case of *Muhammad Arif v. Federation of Pakistan,* 2025 PLC (C.S) 93, wherein it was observed as follows:

> "26. It is settled law that for a writ to issue under Article 199(1)(a) of the Constitution the petitioner has to establish that he is guaranteed a fundamental or legal right, as the object of the Article is the enforcement of a legal right and not the establishment of a legal right. The precedents binding us categorically hold that in the absence of a specific provision in the contract, or a law providing for regularization, contract employees do not have a vested right for regular appointment solely for long and satisfactory contractual service; and that, while exercising jurisdiction under Article 199 of the Constitution the High Court cannot extend the scope of a contract or alter the terms and conditions of employment in favour of the employee. These are pronouncements of the Supreme Court in Muzaffar Khan v. Government of Pakistan (2013 SCMR 304); Government of Khyber

> Pakhtunkhwa, Workers Welfare Board v. Raheel Ali Gohar (2020 SCMR 2068); Owais Shams Durrani v. Vice-Chancellor Bacha Khan University (2020 SCMR 1041); Sui Southern Gas Company Ltd. v. Zeeshan Usmani (2021 SCMR 609); Government of Khyber Pakhtunkhwa v. Saeed ul Hasan (2021 SCMR 1376); Khushal Khan Khattak University v. Jabran Ali Khan (2021 SCMR 977); Pakistan Telecommunication Company Ltd. v. Muhammad Samiullah (2021 SCMR 998); Government of Khyber Pakhtunkhwa v. Sher Aman (2022 SCMR 406); Deputy Director Finance & Administration FATA v. Dr. Lal Marjan (2022 SCMR 566); and Vice Chancellor Agricultural University, Peshawar v. Muhammad Shafiq. The ratio decidendi of these precedents is that absent a statutory basis for regularization, an employee has no fundamental or vested right to regularization."

Here also, the petitioners do not rely on a statute or Government policy for regularization of service. Therefore, the petition is **dismissed** as not maintainable.

J U D G E

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Abdul Basit