CITATION AWAITED

JUDGMENT SHEET.
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

W.P No.1063 of 2025

Samia Rehman, etc
Vs.
Federation of Pakistan, through Secretary, Ministry of Federal Education & Professional Training, etc.

Date of hearing : 04.09.2025
Petitioners by : M/s. Hafiz Arfat Ahmed Choudary and Tariq Zaman, Advocates.
Respondents by : Ms. Azra Batool, AAG a/w Dr. Agha Ghulam Haider, Director Legal, Ministry of FE&PT and S.M Rhan, Deputy Director, Legal, FDE.

MUHAMMAD ASIF, J.- Through the instant Writ Petition, the petitioners has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 ("**the Constitution**"), seeking the following reliefs:

> *"Wherefore, it is most respectfully prayed that an appropriate writ may kindly be issued declaring and directing as under:*
>
> *a) Declare that the case of the petitioners is identical to the case of Saima Malik decided by this Court through the Judgment reported as 2018 PLC (CS) 186 which was then maintained by the Division Bench of this Court in ICA No. 299/2017 and the concurrent orders were then upheld by the Honorable Supreme Court of Pakistan in CPLA No. 3093/2023 (titled Federal Directorate of Education Vs Mst. Saima Malik) vide order dated 31-08-2023;*
> *b) Direct the respondents to implement the Regularization Notifications in their letter and spirit and post the petitioners against permanent available posts;*
>
> *Any other relief this Honorable Court deems fit and just in the circumstances of the case may also be*

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granted in the interest of justice. Cost of the petition may also be awarded."

2. The facts of the case are that the petitioners are presently serving as Lecturers and Junior Lady Teachers (**JLT**s) in various colleges of Islamabad. They were initially engaged on daily wages basis prior to 2009 in institutions under the administrative control of respondent No. 3, the Federal Directorate of Education ("**FDE**"), an organization of the Federal Government responsible for managing over 400 educational institutions in Islamabad Capital Territory. The FDE functions under the supervision of respondent No. 2, the Ministry of Federal Education and Professional Training ("**FE&PT**"). In 2012, the cases of the petitioners for regularization were placed before a Sub-Committee of the Cabinet headed by Syed Khurshid Ahmed Shah, then Federal Minister for Religious Affairs. Upon consideration, the Sub-Committee found them eligible and recommended their regularization. Acting upon these recommendations, the Capital Administration and Development Division ("**CADD**") issued separate notifications ("**the Regularization Notifications**"), declaring their regularization with immediate effect, subject to availability of posts. Following the issuance of these Notifications, the petitioners were directed to undergo medical examination and complete other codal formalities, which they duly complied with. CADD, while referring them for medical examination, expressly stated that they had been regularized on the recommendations of the Sub-Committee and with the approval of the Secretary, CADD. Thus, according to the petitioners, the process of regularization stood concluded. Despite this, the petitioners were never issued posting orders against permanent posts, although they have continuously served without interruption. Some of their colleagues, regularized under the same scheme, were eventually given postings, but the petitioners' cases remained pending. They repeatedly approached the respondents, but their requests yielded no result. Aggrieved, they have now approached this Court through filing of instant writ petition.

3. Learned counsel for the petitioners argued that the petitioners' situation is squarely covered by the precedent set in *Mst. Saima Malik v. Federal Directorate of Education* (**2018 PLC (CS) 186**). In that case, an identically placed colleague, also regularized pursuant to the Cabinet Sub-Committee decision, but denied a posting order, was granted relief by this Court. Her writ petition was allowed, and the respondents were directed to implement the notification and issue her a posting order. The said judgment (*Saima Malik's case*) was upheld in intra-court appeal (ICA No. 299/2017) by a Division Bench of this Court, and later affirmed by the Hon'ble Supreme Court of Pakistan in CPLA No.3093/2023, vide order dated 31.08.2023. Consequently, the respondents issued a notification dated 04.09.2023, allowing Mst. Saima Malik to join at Islamabad Model School (I-V) No. 1, G-7/2, Islamabad. By notification dated 27.10.2023, a further group of 137 similarly placed employees were also allowed to join their duties. Learned counsel submitted that the petitioners are identically placed and entitled to the same treatment. He further placed reliance on paragraph 123(viii) of ICA No.340/2017 (*Imran Ahmad and others v. Federation of Pakistan and others*), wherein it was held that employees regularized by the Government, but denied postings due to restrictions must be issued posting orders within 90 days, subject to completion of codal formalities. That judgment too was upheld by the Supreme Court. It was further argued that the denial of posting orders to the petitioners is discriminatory and violative of Article 25 of the Constitution. Having served for more than 15 years without a blemish, the petitioners' work is of a permanent nature, and keeping them on daily wages amounts to exploitation, contrary to Article 3 of the Constitution. Moreover, non-implementation of the Regularization Notifications is unlawful, arbitrary, and mala fide. The respondents, as public functionaries, are bound to act fairly and in accordance with law, but their persistent inaction reflects abuse of authority.

4. Conversely, the learned AAG, assisted by the Director Legal, FE&PT and Deputy Director Legal, FDE, opposed the petition and

controverted the submissions advanced by learned counsel for the petitioners. She argued that the writ petition is not maintainable under Article 199 of the Constitution, as the petitioners do not qualify as "civil servants" within the meaning of Section 2(b) of the Civil Servants Act, 1973. Their initial engagements were made on a daily-wage basis through Principals and Area Education Officers, who are not competent appointing authorities under the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973. Consequently, their appointments were void ab initio and devoid of legal sanctity. It was further submitted that the appointments were made without observance of codal formalities, including advertisement of posts, medical fitness, application of quota, or scrutiny by the Departmental Selection Committee or the Federal Public Service Commission (**FPSC**), as mandated by Rules 10 to 12 of the 1973 Rules. Therefore, the petitioners acquired no vested right to claim regularization or absorption into the service of the Federation. Reliance was placed upon the judgment of the Hon'ble Supreme Court dated 13.09.2024 in Civil Petitions No. 949, 1025, 1028, 1132-1134 of 2023 (Mohsan Raza Gondal and others) [2025 SCMR 104], wherein it was held that the recommendations of the Cabinet Sub-Committee for regularization of employees in BPS-16 and above were void ab initio, this being the exclusive domain of the FPSC. The petitioners' reliance on the judgment in *Mst. Saima Malik* (W.P. No.4634/2016) was argued to be misconceived, as a Division Bench of this Court in Cr. Org. No. 240/2023 had categorically observed that the said case was an isolated instance based on peculiar facts and could not constitute a precedent for other daily-wage employees. Those findings arose in the context of contempt proceedings concerning attempts to allow joining of 137 daily-wagers, including the present petitioners. The learned AAG emphasized that the petitioners never appeared before the FPSC nor were they declared fit under Section 11-B of the Civil Servants Act, 1973, which prescribes the only lawful course for addressing irregular appointments. Reference was also made to the judgment of this Court in ICA No. 340/2017, dated 21.06.2018, upheld by the Hon'ble Supreme Court, directing that daily-

wage employees could only be considered for regularization upon fulfillment of FPSC criteria through a transparent process. It was further contended that the plea of discrimination is legally misconceived. Article 4 of the Constitution guarantees that every citizen shall be dealt with in accordance with law, while Article 25 ensures equality before law and equal protection of law. These provisions, however, do not create a right to parity in illegality. The doctrine of equality demands uniform compliance with law, not the extension of irregular or unlawful benefits to all. The petitioners' appointments, not having been made by the competent authority or through a competitive process, confer no entitlement to equal treatment. Moreover, Article 240 of the Constitution provides that appointments to and conditions of service in the Federation shall be regulated by law. That law, in the case of civil servants, is the Civil Servants Act, 1973, and the rules framed thereunder, which unequivocally require that appointments to posts in BPS-16 and above be processed through the FPSC. The petitioners never underwent such process. Accordingly, the Ministry of FE&PT, by adhering to statutory requirements and binding judgments including the Supreme Court's decision dated 13.09.2024 cannot be said to have acted discriminatorily. Rather, it discharged its constitutional duty to uphold the rule of law (Article 5) and to act in accordance with the Constitution and law (Article 190). No claim of equal treatment can arise from a status, which itself is bereft of legal foundation. The petitioners themselves admit that they were initially engaged on a daily-wage basis by the respective Principals of institutions or by the Area Education Officers. These officers, however, do not qualify as the appointing or competent authorities under the law. Such engagements were not made through the prescribed method of appointment envisaged under the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, framed in exercise of powers under Section 25 of the Civil Servants Act, 1973. The Rules lay down minimum mandatory standards for recruitment to a civil post, including advertisement of the vacancy in newspapers specifying eligibility criteria, qualifications, age, nomenclature, and other prerequisites, followed by a transparent

selection process through the competent appointing authority. None of these codal requirements were fulfilled in the case of the petitioners. The Civil Servants Act, 1973, is the basic statute governing recruitment, appointments, and terms and conditions of service of federal civil servants. It recognizes only two modes of entry into service: (i) *ad hoc appointment*, defined in Section 2(a) as appointment of a duly qualified person otherwise than in accordance with the prescribed method, pending regular recruitment, and (ii) *initial appointment*, defined in Section 2(c) as appointment otherwise than by promotion or transfer. The Act further distinguishes between *permanent posts* [Section 2(e)] and *temporary posts* [Section 2(j)]. Appointments against permanent posts are to be made in accordance with Section 5 of the Act, which mandates that all appointments to civil posts or in the All-Pakistan or Federal Services shall be made in the prescribed manner by the President, or by a person duly authorized by him. The Rules of 1973, framed under Section 25, define the competent appointing authorities from BPS-1 to BPS-20 and above. Neither Principals nor Area Education Officers are recognized therein as appointing authorities. Consequently, the petitioners' initial engagements were wholly unauthorized, unlawful, and void *ab initio*, lacking any statutory protection. It is settled law that "regularization" is not a recognized mode of recruitment under the Civil Servants Act, 1973. The Act envisages only initial or ad hoc appointments, and the concept of regularization is conspicuously absent. The Supreme Court of Pakistan in *Mohsan Raza Gondal and others v. Federation of Pakistan* (2025 SCMR 104) categorically declared that the recommendations of Cabinet Sub-Committees for regularization of employees in BPS-16 and above are void *ab initio*, since such posts fall exclusively within the domain of the Federal Public Service Commission (FPSC). The petitioners, admittedly claiming regularization in BPS-16 and above without undergoing any FPSC process, are thus directly hit by the said judgment. This Court has consistently followed the same principle. In ICA No. 340/2017, the Division Bench held that daily-wage employees could only be considered for regularization subject to fitness being determined by the FPSC under Section 11-B of

the Civil Servants Act, 1973. Likewise, in W.P. No. 2937/2019, this Court dismissed similar claims, reiterating that petitioners must prove their ability before the FPSC, failing which their engagements would stand concluded. Several subsequent judgments *Waseem Riaz* (Crl. Org. No. 351/2018), *Tasneem Akhtar* (W.P. No. 1163/2021), and *Rabia Waheed* (W.P. No. 394/2024) all reinforce that contractual, temporary, or daily-wage employees have no vested right to regularization, save through the lawful process of recruitment by the FPSC. The reliance placed by the petitioners on the case of *Mst. Saima Malik* is also misconceived. The Divisional Bench of this Court in Crl. Org. No. 240/2023 has already clarified that the said case was an isolated instance based on peculiar facts and cannot be treated as a binding precedent for daily wagers at large. Moreover, even the restoration of 137 daily wagers pursuant to interim court orders in W.P. No. 394/2024 was explicitly made "subject to the final outcome of the case" and did not amount to judicial recognition of a right to regularization. The petitioners' contention of discrimination is equally untenable. Article 25 of the Constitution guarantees equality before law, but such equality cannot be invoked to perpetuate an illegality. If appointments were irregularly made in the past, that does not entitle others to demand parity in illegality. The law requires uniform compliance with codal formalities, not uniform deviation therefrom. In sum, the petitioners were appointed through a process alien to the Civil Servants Act, 1973 and the Rules of 1973, by authorities lacking jurisdiction. Their appointments were void *ab initio* and confer no legal or vested right. The claim of regularization is not supported by statute, is barred by binding precedents of the superior courts, and offends the constitutional scheme under Articles 4, 25, and 240. Accordingly, the writ petition is not maintainable and merits dismissal.

5. I have heard learned counsel for the parties, considered their respective submissions and perused the record with their able assistance. The pivotal issue before this Court is whether the petitioners, who were initially engaged on daily wages without

observance of codal formalities or approval of the competent authority, can claim a vested right of regularization or posting against permanent civil posts on the strength of Cabinet Sub-Committee recommendations and subsequent notifications.

6. It is not in dispute that the petitioners were engaged by Principals and Area Education Officers of various institutions under respondent No.3. These officers, however, do not fall within the category of "appointing authorities" as defined under the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973 ("**the 1973 Rules**"), framed in exercise of powers under Section 25 of the Civil Servants Act, 1973 ("**the 1973 Act**"). The Supreme Court has consistently held that appointments made without recourse to statutory procedure and without approval of the competent authority are void ab initio, being coram non judice, and confer no enforceable rights. The petitioners' initial engagements, therefore, lack any legal foundation. Reliance in this respect is placed on case reported in **2023 SCMR 1932**, wherein the Honorable Supreme Court of Pakistan held as under,

> *"4. It is not disputed that the petitioner had not been appointed through a competitive transparent process. Moreover, the appointment was made by the Principal of the College against a fixed remuneration paid from the Agency Development Fund. The appointment had not been made by the "Government" nor "Government Department" as defined under clauses 'c' and 'd' respectively, of the Act of 2009. The expression 'employee' has been defined in clause 'b' ibid as meaning an ad hoc or a contract employee appointed by the Government on ad hoc or contract basis or second shift/night shift but excluded the employees of project post or appointed on work charge basis or who were paid out of contingencies. The petitioner, therefore, did not fall within the definition of the expression 'employee' for the purposes of Section 3 of the Act of 2009. This Court has consistently held that appointments of any nature, whether initial or ad hoc, permanent or temporary, if made in violation of the principle of transparency and competitive process, inter alia, without inviting applications from the public is in violation of the Constitution*

> *and are, therefore, void. Selecting a qualified, eligible and most deserving person is a sacred trust which is to be discharged honestly and fairly in a just and transparent manner and in the best interest of the public. As already noted above, the petitioner was not eligible to be regularized under the Act of 2009 and therefore, the decision of the competent authority communicated vide notification, dated 09.01.2020 unassailable. In the circumstances, no substantial question of law has arisen for consideration of this Court and therefore, leave is refused and consequently, the petition stands dismissed."*

7. The 1973 Act recognizes only two lawful modes of entry into service: (i) initial appointment and (ii) ad hoc appointment. The concept of "regularization" is conspicuously absent. What the petitioners seek is not a recognized statutory process, but an executive indulgence. The Hon'ble Supreme Court in *Mohsan Raza Gondal and others v. Federation of Pakistan* (**2025 SCMR 104**) conclusively held that the recommendations of Cabinet Sub-Committees for regularization of employees in BPS-16 and above are void ab initio. The relevant is reproduced here in below,

> *"It is abundantly clear from the above constitutional provisions that neither the Prime Minister nor the members of the Federal Cabinet are permitted to perform their functions beyond the legal provisions ie. the Constitution, statutory law, and the rules. Needless to mention, nobody is above the law. That is why the Rules of Business, 1973, were duly framed to conduct the business of the Federal Government. Under these rules, although there is a concept of Cabinet Sub-Committees on different subjects, there is no provision for the intervention of a Cabinet Sub-Committee in governing the terms and conditions of service of employees. However, the Cabinet Sub-Committee can recommend reforms in the service structure, which can be approved by the Cabinet in accordance with the law and the Constitution. As, the Cabinet Sub-Committee lacks the authority to recommend the regularization of posts in BS-16 and above, therefore, any recommendation by the Cabinet Sub-Committee to regularize appointments in BS-16 and above is void ab initio*

> *and without any lawful authority. We believe it is our duty to protect rights and interests established under the law and to prevent the enjoyment of rights created under an invalid law or through the misuse of legal authority, Reference may be made to the case of Shahid Pervaiz v. Ejaz Ahmad and others (2017 SCMR 206). In this backdrop, any action that is void ab initio and without lawful authority cannot be protected under the doctrine of a 'past and closed transaction, as vehemently argued by the petitioners. The High Court, in recognizing this legal principle, correctly declared that the appointments of the petitioners were not made in accordance with the law and referred their cases to the FPSC"*

The Honorable Supreme Court in another judgment in **CPLA No. 1114-L/2022** has also decided the fate of Cabinet Sub Committee, which is reproduced as under,

> *"8. In the present case, the cabinet did not approve the recommendations of the sub-committee regarding the regularization of 236 zakat paid audit staff. Consequently, the reliance on these recommendations as final is without the endorsement of the cabinet, hence, the recommendations themselves lack the legal authority to effectuate regularization. This position is not only grounded in constitutional mandates but has also been reaffirmed in recent jurisprudence. In a similar context, this Court in the case of Mohsin Raza Gondal elaborated on the limitations of cabinet sub-committees, as under,*
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> *"It is abundantly clear from the above constitutional provisions that neither the Prime Minister nor the members of the Federal Cabinet are permitted to perform their functions beyond the legal provisions ie. the Constitution, statutory law, and the rules. Needless to mention, nobody is above the law. That is why the Rules of Business, 1973, were duly framed to conduct the business of the Federal Government. Under these rules, although there is a concept of Cabinet Sub-Committees on different subjects, there is no provision for the intervention of Cabinet Sub-Committee in governing the terms and conditions of service of employees. However, the Cabinet Sub-Committee can recommend reforms in the service*

> structure, which can be approved by the Cabinet in accordance with the law and the Constitution. [...]" (Emphasis supplied)
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> *While the extract pertains to the Federal Government and the Rules of Business, 1973, the same reasoning applies to the Provincial Government and the 2011 Rules as the provisions at both levels are substantively similar and, therefore, the limitations on the authority of a cabinet sub-committee hold true at the provincial level as well. The cabinet sub-committee can at best suggest recommendations, but it cannot be considered as the final decision nor is it the competent authority for deciding a matter."*

Since appointments to such posts fall exclusively within the domain of the FPSC under Article 242 of the Constitution read with the 1973 Act. The petitioners' claim of regularization pursuant to such recommendations thus stands barred by binding precedent.

8. Another critical aspect which requires determination/explanation in the present case is that comments/approval/consent of the finance department. In the present case, the creation of new posts and the change in employment status of the staff are decisions that fall squarely within the purview of Finance Department/Division. The absence of the finance department's approval for such decisions also clarifies the fact that there is no approval by the Finance Division.

The Honorable Supreme Court of Pakistan in numerous decision held on the subject of regularization, that the employees cannot claim regularization as a matter of right. This principle is grounded in the understanding that regularization requires statutory or legal backing, and in the absence of such a framework, courts cannot impose any obligation on the Government. Similarly, mere passage of time or length of service does not give rise to a vested right to regularization. The Honorable Supreme Court of Pakistan in the case of Tareer Ahmad observed that a person employed on contract base has no vested right to regularization and by mere efflux of time an employee cannot claim regularization and knock on the door of the High Court for the same. In

a similar matter decided by the Honorable Supreme Court of Pakistan in the case of Jabran Ali Khan it was held that there is no vested right to seek regularization for employees hired on contractual basis unless there was legal and statutory basis for the same. The process of regularization is also contingent upon the fulfillment of certain prerequisites, including the availability of sanctioned posts, the fulfillment of qualifications and conditions prescribed under the relevant rules, and the approval of the competent authority. The financial implications must be considered and approved as no post can be regularized or made permanent without proper budgetary allocation, as it involves expenditure from the public exchequer. The Honorable Supreme Court of Pakistan most recently reiterated these principles in the case of Muhammad Shafiq, wherein it was emphasized as under,

> *"5.... There must be availability of positions that match the skills and experience of the contractual employee; the budgetary considerations and financial implication of a regular employee be weighed and considered. There ere must be a fair assessment of the employee's qualifications, performance and merit, so as to ensure only competent and committed employees be granted permanent employment status. ... It requires fresh assessment of the candidature of the contractual employee by the competent authority before he is made a regular employee as any such act carries long term financial implications on the institution concerned. [...] Regularization therefore has a close nexus with institutional policy and autonomy."*

As underscored above, the Honorable Supreme Court of Pakistan has consistently maintained that regularization is not merely a procedural formality, but a prerogative of executive, reflecting its autonomy in determining institutional sorties and resource allocation. Regularization is thus fundamentally a policy matter which falls squarely within the domain of the Executive. Courts cannot usurp this role. Judicial interference in these matters risks creating long-term disruptions in governance and resource allocation. The tracheotomy of powers must be respected as a foundational principle of the Constitution, and the High Court, while exercising its constitutional

jurisdiction, cannot encroach upon the exclusive domain of the executives by arrogating to itself the role of the appointing authority. This principle was rearticulated most recently by the Honorable Supreme Court of Pakistan in the case of Muhammad Shafiq supra, as under,

> *"7. The process of regularization is a policy matter and the prerogative of the Executive which cannot be ordinarily interfered with by the Courts, especially in the absence of any such policy. It does not befit the courts to design or formulate policy for any institution; they can, however, Judicially review policy if it is in violation of the Fundamental rights guaranteed under the Constitution. The wisdom behind non-interference of courts in policy matters is based on the concept of institutional autonomy."*

Similarly, in the case of Sher Aman, the Honorable Supreme Court of Pakistan, where the respondents were similarly appointed on temporary posts, this Court reiterated the limits of judicial jurisdiction in employment matters and it was held as under,

> *15. The High Court in its Constitutional Jurisdiction cannot alter the scope of the terms that have been agreed upon by the parties and put an additional burden upon the employer. At best, a contract employee can approach the appropriate forum for recovery of damages against an employer for breach of contract, if a a case case is made out against the employer. The High Court cannot in exercise of constitutional jurisdiction assume the role of the ampointing authority and direct employers to amend or alter terms and conditions in favour of employees which have been agreed upon by the said employee."*

Secondly, the High Court should considered the numerous judgments of the Honorable Supreme Court of Pakistan, which set out the principles to be considered in cases pertaining to regularization and cannot in a slipshod manner direct the Government to regularize the petitioners and create provisioning from the supplementary grant. Issuing of such a direction clearly does not fall within the jurisdiction of the High Court. In this case, there is no approval by the cabinet and no

approval by the finance department. As per the record, the matter of regularization was never placed before the cabinet, hence, any recommendations as such create no right in favour of the petitioners Respondents.

9. The reliance placed by the petitioners on *Mst. Saima Malik v. FDE* (**2018 PLC (CS) 186**) is misplaced. That case turned upon its peculiar facts and was subsequently declared by a Division Bench of this Court in Crl. Org. No.240/2023 to be an isolated instance incapable of constituting a binding precedent for similarly placed employees. Even otherwise, judicial recognition of an individual case cannot override the express statutory scheme of the 1973 Act and the 1973 Rules, nor can it dilute the binding effect of the subsequent pronouncement of the Hon'ble Supreme Court in *Mohsan Raza Gondal* (supra).

10. The plea of discrimination under Article 25 of the Constitution is equally untenable. Equality before law presupposes lawful comparators. If a benefit was extended to an individual on account of an erroneous or irregular decision, such benefit cannot be claimed by others on the ground of parity. The Supreme Court has repeatedly held that there can be no equality in illegality. The constitutional guarantee of equality demands uniform adherence to law, not uniform deviation therefrom.

11. Moreover, the petitioners, by their own admission, were engaged on daily wages and have continued in service without interruption for over a decade. However, continuity of service on a non-statutory footing does not, by itself, ripen into a vested right of regularization. Service jurisprudence in Pakistan recognizes no concept of regularization by passage of time. A right must flow from statute, not from prolonged irregularity.

12. The argument that the respondents acted mala fide or arbitrarily also does not hold. On the contrary, their refusal to issue posting orders without observance of statutory procedure is in faithful compliance with constitutional obligations. Articles 4 and 5 of the Constitution mandate that every citizen is to be dealt with in accordance with law,

and every executive authority is bound to act strictly under the Constitution and the law. The respondents' insistence on recruitment through the FPSC for posts in BPS-16 and above is, therefore, a discharge of constitutional duty rather than abuse of authority.

13. For these reasons, this Court holds,

i. The petitioners' initial engagements on daily wages were made by authorities lacking competence, without observance of codal formalities, and were void ab initio;
ii. The concept of "regularization" is not a recognized mode of appointment under the Civil Servants Act, 1973 or the Rules of 1973;
iii. The recommendations of Cabinet Sub-Committees for regularization of employees in BPS-16 and above have been declared void ab initio by the Hon'ble Supreme Court in *Mohsan Raza Gondal and others v. Federation of Pakistan* (**2025 SCMR 104**);

iv. The reliance on *Mst. Saima Malik* is misconceived, that case being an isolated instance not amounting to a binding precedent;
v. The plea of discrimination under Article 25 cannot be invoked to perpetuate an illegality; and

14. Resultantly, this Court finds no merit in the Writ Petition No.1063 of 2025. The same is accordingly **dismissed**. No order as to costs.

(MUHAMMAD ASIF)
JUDGE

Announced in open Court on_____September, 2025.

JUDGE

/MALIK KAKAR/

APPROVED FOR REPORTING