

**ORDER SHEET**  
**LAHORE HIGH COURT**  
**BAHAWALPUR BENCH BAHAWALPUR**  
**JUDICIAL DEPARTMENT**

**W.P. No.8215 of 2025**

Hafiz Ahmed Raza     **Versus**     Government of the Punjab, etc.

S.No. of order/ Proceeding	Date of order/ Proceeding	Order with signature of Judge and that of parties or counsel, where necessary.
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02.12.2025	Ch. Shafi Muhammad Tariq, Advocate for the petitioner. Rai Mazhar Hussain Kharal, Assistant Advocate General.
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Admitted facts of the case are that the petitioner was initially inducted as a contract employee (Secondary School Educator), and his services were subsequently terminated. Upon challenge, the competent authority, through order dated 09.02.2024, reinstated him as a regular employee with effect from 19.10.2009, treating the intervening period as extraordinary leave without pay. Through impugned order dated 27.11.2025, the petitioner’s reinstatement as a regular employee has been recalled and regularization has been declared null and void.

2. When confronted that upon reinstatement as a regular employee the petitioner had entered the stream of regular civil service and hence, the present petition is barred in terms of Article 212 of the Constitution of the Islamic Republic of Pakistan, 1973 (“**the Constitution**”), learned counsel for the petitioner contended that, although the reinstatement order did place the petitioner in regular service, the department has subsequently treated him as a contract employee by recalling the reinstatement order and by withholding his salary. It is argued that, in these circumstances, the constitutional petition remains

maintainable. He further submits that the petitioner has been vexed twice and that the subsequent inquiry culminating in the impugned order violates Article 13 of the Constitution. Reliance is placed on Muhammad Ilyas v. Government of Balochistan through Chief Secretary and 2 others [2025 PLC (C.S.) 523].

3. Arguments heard. Record perused.

4. The fundamental question before this Court is whether a contractual employee, once regularized, and, brought within the stream of regular civil service, the subsequent recall or withdrawal of the reinstatement order renders a constitutional petition maintainable, or whether the petitioner is required to first avail the departmental remedies culminating, if necessary, in an appeal before the Punjab Service Tribunal.

5. It is well-settled that a contract employee, once regularized, attains the status of a civil servant under the relevant civil service laws. Regularization constitutes a fresh appointment, its effect is prospective, and the employee thereafter acquires all rights and obligations of a civil servant. Cases reported as Deputy Director Food Faisalabad Division, Faisalabad and others v. Muhammad Tauqir Shah and others (2021 SCMR 760) and Province of Punjab through Secretary Livestock and Dairy Development Department, Government of the Punjab, Lahore and others v. Dr. Javed Iqbal and others (2021 SCMR 767) are referred. The crucial aspect—overlooked by the petitioner—is that once the competent authority reinstated and regularized him, his legal status stood transformed into that of a civil servant by operation of law. The department’s subsequent disagreement, or

withdrawal of reinstatement order does not undo the legal effect of the regularization order. The petitioner cannot select his remedy based on the department's present stance, nor can departmental reluctance to acknowledge his regularization diminish the statutory consequences of the regularization. Accordingly, any grievance arising out of the impugned withdrawal order, including alleged violation of Article 13 of the Constitution forms part of the petitioner's terms and conditions of service, and must be agitated within the prescribed departmental hierarchy and, if needed, before the Service Tribunal. Constitutional jurisdiction cannot be invoked to bypass the statutory mechanism merely because the department treats the petitioner contrary to law.

6. In view of the above, this Court is of the considered view that the petitioner, having once been regularized, squarely falls within the definition of "civil servant," and any challenge to the impugned order of withdrawal of reinstatement order of the petitioner cannot be laid under Article 199 in view of the express bar contained in Article 212 of the Constitution. The petition is accordingly **dismissed** in *limine*, leaving the petitioner at liberty to seek redressal of his grievance through the service remedies under the law.

**(Anwaar Hussain)**  
Judge

Approved for reporting

*Judge*