

REGISTERED



GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT
31-Sher Shah Block New Garden Town, Lahore
Dated Lahore, the 30 July, 2026

ORDER

No.SO(ESTT)36-290/2019(3029). WHEREAS, Mr. Tausif-ur-Rehman, Junior Special Education Teacher (MC) (BS-16), appointed on contract basis through the Punjab Public Service Commission with effect from 01.01.2022, submitted a representation seeking regularization of his services under the provisions of the Punjab Regularization of Service Act, 2018 (as amended).

2. **AND WHEREAS**, the applicant had approached the Hon'ble Lahore High Court, Multan Bench, Multan through Writ Petition No.7277 of 2026 titled Tausif-ur-Rehman versus Government of Punjab and others. Vide order dated 16.06.2026, the Hon'ble Court, upon the statement of the learned counsel for the petitioner, disposed of the petition with the direction that the Secretary, Special Education Department, Government of the Punjab, shall decide the pending application of the petitioner, strictly in accordance with law, provided the same is still pending, either himself or through an authorized officer. The Hon'ble Court further directed that while deciding the application, the judgment rendered by the Hon'ble Federal Constitutional Court of Pakistan in Government of Khyber Pakhtunkhwa through Chief Secretary and others versus Tanveer Ahmad and others (C.P.L.A. No.632-P of 2018), to the extent applicable, shall also be kept in view.

3. **AND WHEREAS**, in faithful compliance with the aforesaid directions of the Hon'ble Lahore High Court, the applicant was afforded an opportunity of personal hearing on 16.07.2026. During the hearing, the applicant also submitted a written representation reiterating that he had been exonerated in the departmental disciplinary proceedings and asserting that his services deserved to be regularized. He further contended that one Mr. Muhammad Bilal, allegedly similarly situated, had already been granted regularization and, therefore, denial of the same benefit to him amounted to discriminatory treatment violative of Article 25 of the Constitution.

4. **AND WHEREAS**, the record further reveals that disciplinary proceedings initiated against the applicant under the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 have already attained finality and the applicant stands exonerated from the charges levelled against him vide order dated 10.06.2026.

5. **AND WHEREAS**, I have carefully examined the applicant's representation, the written submissions made during personal hearing, the relevant service record, the applicable statutory provisions and the directions of the Hon'ble Lahore High Court. The principal question requiring consideration is not whether the applicant has been exonerated in the disciplinary proceedings. That issue no longer survives, as the applicant already stands exonerated. The real question is whether, after repeal of the Punjab Regularization of Service Act, 2018, any statutory authority continues to exist enabling this Department to regularize the services of a contract employee.

6. **AND WHEREAS**, it is an undisputed legal position that the Punjab Regularization of Service Act, 2018 stood repealed through the Punjab Regularization of Service (Repeal) Ordinance, 2025, which was subsequently enacted as the Punjab Regularization of Service (Repeal) Act, 2025, with effect from 31.10.2025. Consequent upon such repeal, the statutory source from which the Government derived authority to regularize contract employees ceased to exist. It is a settled principle that an executive authority can exercise only such powers as are expressly conferred by law. Once the parent statute conferring such power stands repealed, the authority cannot continue to exercise jurisdiction under the repealed enactment unless such power is expressly preserved by the repealing law. Neither equity nor administrative discretion can substitute statutory authority.

7. **AND WHEREAS**, the above legal position has also been examined by the Regulations Wing, Services & General Administration Department, Government of the Punjab, which, vide its advice dated 12.01.2026 and subsequent clarification dated 29.01.2026, advised that after repeal of the Punjab Regularization of Service Act, 2018, no contract employee of the Government of the Punjab can be regularized under the repealed enactment. Therefore, although the applicant's exoneration has removed the impediment arising from the pendency of disciplinary proceedings, it does not create or revive a statutory right to regularization, nor can it confer jurisdiction upon this Department to exercise powers no longer available under law.

8. **AND WHEREAS**, the plea of discrimination raised by the applicant with reference to Mr. Muhammad Bilal has also been examined. The contention is found to be devoid of legal substance. The record shows that the services of Mr. Muhammad Bilal were regularized vide departmental order dated 30.05.2025, i.e., during the period when the Punjab Regularization of Service Act, 2018 was still in force and the competent authority possessed statutory jurisdiction to regularize eligible contract employees. The applicant's case stands on an entirely different legal footing. His request for regularization falls for consideration after repeal of the enabling statute. Consequently, the two cases arise under different statutory regimes and cannot be equated. The constitutional guarantee of equality embodied in Article 25 of the Constitution extends only to persons similarly situated in law as well as on facts. It cannot be invoked to compel an authority to exercise powers that have ceased to exist by operation of law. Negative equality has never been recognized as a source of enforceable legal rights.

9. **AND WHEREAS**, since the issue directly concerns the interpretation and legal effect of the repeal of the Punjab Regularization of Service Act, 2018 and the applicability of the advice already rendered by the Regulations Wing, Services & General Administration Department, it would neither be legally appropriate nor administratively prudent for this Department to independently assume the role of interpreting the legal consequences of the repealed statute without obtaining the considered opinion of the competent policy forum entrusted with interpretation of service laws.

10. **AND WHEREAS**, the undersigned is conscious of the fact that the matter is *sub judice* in nature and any determination regarding entitlement or otherwise of the employee has far-reaching implications not only for the instant case but may also affect similarly situated contractual employees serving in various departments of the Government of the Punjab. Therefore, any decision rendered without obtaining a definitive and authoritative interpretation from the competent regulatory forum may result in

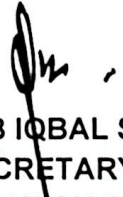
inconsistency in application of service laws and may expose the Department to avoidable litigation.

11. **AND WHEREAS**, the Regulations Wing, Services & General Administration Department, Government of the Punjab, being the principal authority responsible for interpretation of service laws, rules, regulations, policies and conditions of service of provincial government employees, is the most appropriate forum to provide authoritative guidance on the legal issues arising in the present case.

12. **NOW, THEREFORE**, accordingly, in compliance with the directions of the Hon'ble Lahore High Court dated 16.06.2026, after affording the applicant an opportunity of personal hearing and upon due consideration of all submissions advanced by him, it is hereby ordered that the applicant's representation, together with the complete record of the case, be referred to the Regulations Wing, Services & General Administration Department, Government of the Punjab, for its considered opinion regarding the legal maintainability of the applicant's claim for regularization in view of:

- i. the repeal of the Punjab Regularization of Service Act, 2018 through the Punjab Regularization of Service (Repeal) Act, 2025;
- ii. the advice dated 12.01.2026 and clarification dated 29.01.2026 issued by the Regulations Wing, S&GAD; and
- iii. the applicable statutory provisions governing the matter.

Upon receipt of the opinion of the Regulations Wing, further action on the applicant's request shall be taken strictly in accordance with law. The representation stand disposed of and order dated 16.06.2026 passed by Hon'ble Lahore High Court in Writ Petition No. 7277 of 2026 stand complied with in above stated terms.


(SHOAIB IQBAL SYED)
SECRETARY
SPECIAL EDUCATION DEPARTMENT

No. & Date Even:-

A copy is forwarded for information and necessary action to:

1. The Director General Special Education, Punjab, Lahore.
2. The Chief Executive Officer (DEA), Layyah.
3. The District Account Officer, Layyah.
4. The District Education Officer (Special Education), Dera Ghazi Khan.
5. The Principal / Headmaster/ Headmistress concerned.
6. The Statistical Officer, Directorate General of Special Education Punjab, Lahore.
7. PS to Secretary, Special Education Department.
8. The officer concerned.


SECTION OFFICER (ESTT-II)