

REGISTERED



GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT
31-Sher Shah Block New Garden Town, Lahore
Dated Lahore, the 29 June, 2026

ORDER

No.SO(ESTT)40-572/2021(4705). WHEREAS, Ms. Adila Iqbal, Junior Special Education Teacher (Hearing Impaired Field / BS-16), Government Special Education Centre, Layyah, was appointed on contract basis for a period of five years under the Contract Appointment Policy, 2004 and joined her duties on 19.02.2021. Adverse remarks recorded in her Performance Evaluation Report (PER) for the period from 01.01.2023 to 31.07.2023 were subsequently challenged by her through a representation, whereupon, after affording opportunities of hearing to all concerned parties and examining the entire record, the Competent Authority vide speaking order dated 21.07.2025 expunged the adverse remarks and declared her PER as satisfactory.

2. **AND WHEREAS**, after expunction of the adverse remarks, the petitioner submitted various applications seeking regularization of her services under the Punjab Regularization of Service Act, 2018 on the plea that similarly situated employees appointed through the same recruitment process had been regularized by the Department. During the pendency of the matter, the Punjab Regularization of Service Act, 2018 stood repealed through the Punjab Regularization of Service (Repeal) Ordinance, 2025, subsequently enacted as the Punjab Regularization of Service (Repeal) Act, 2025 with effect from 31.10.2025, whereafter the Regulations Wing, Services & General Administration Department, Government of the Punjab, vide advice dated 12.01.2026 and clarification dated 29.01.2026, advised that no contract employee of the Government of the Punjab could be regularized after repeal of the Punjab Regularization of Service Act, 2018.

3. **AND WHEREAS**, in view of the aforesaid legal position, this Department vide order dated 19.02.2026 disposed of the applications of Ms. Adila Iqbal by declining regularization while extending her contractual tenure for a further period of three years in accordance with the Contract Appointment Policy, 2004.

4. **AND WHEREAS**, the aforesaid departmental order dated 19.02.2026 was assailed before the Hon'ble Lahore High Court, Multan Bench, Multan through Writ Petition No.3548/2026 titled "Ms. Adila Iqbal versus Government of the Punjab etc.". The Hon'ble Lahore High Court, Multan Bench, Multan vide order dated 23.04.2026 was pleased to set aside the departmental order dated 19.02.2026 and remand the matter to the undersigned with directions to evaluate the rights and entitlement of the petitioner in the light of the judgment rendered in W.P. No.214/2026 titled "Mohsin Abbas versus Secretary

Communication & Works Punjab etc.” after hearing all concerned parties and stakeholders and thereafter pass a fresh order in accordance with law.

5. **AND WHEREAS**, in compliance with the directions of the Hon'ble Court, opportunities of personal hearing were afforded to Ms. Adila Iqbal on 03.06.2026 and 18.06.2026. The submissions advanced by her, the relevant service record, previous departmental proceedings, applicable statutory provisions, judicial precedents and the directions of the Hon'ble Court have been carefully considered. It has been noted that the principal controversy involved in the instant matter is no longer confined to the factual eligibility of the petitioner but pertains to intricate and substantial questions of law relating to the legal effect of repeal of the Punjab Regularization of Service Act, 2018; interpretation and scope of the saving clause contained in Section 2(2) of the Punjab Regularization of Service (Repeal) Act, 2025; applicability of Article 264 of the Constitution of the Islamic Republic of Pakistan, 1973; applicability of Section 4 of the Punjab General Clauses Act, 1956; determination of the concept of accrued, vested or matured rights in matters relating to regularization of service; legal implications of administrative delay, *if any*, in processing a case for regularization prior to repeal of the parent statute; extent and applicability of the *ratio decidendi* laid down by the Hon'ble Lahore High Court in the case of “Mohsin Abbas”; and reconciliation of the earlier advice tendered by Regulations Wing, S&GAD with the subsequent judicial pronouncement relied upon by the Hon'ble Court while remanding the matter.

6. **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.

7. **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. The Hon'ble Lahore High Court has specifically directed the Department to evaluate the rights and entitlement of the petitioner in the light of the judgment rendered in “Mohsin Abbas case”, whereas no opinion of the Regulations Wing is presently available regarding applicability, scope and implementation of the said judgment in cases where requests for regularization remained pending at the time of repeal of the Punjab Regularization of Service Act, 2018.

8. **AND WHEREAS**, in order to ensure complete compliance with the directions of the Hon'ble Court, observance of the principles of fairness, transparency and due


process, and to avoid any possibility of erroneous interpretation of law, it is considered just, proper and legally prudent to seek formal advice from the Regulations Wing, S&GAD before recording final findings regarding the claim of the petitioner.

9. **NOW, THEREFORE**, after hearing the petitioner and examining the entire record, it is hereby ordered that final adjudication of the claim of Ms. Adila Iqbal regarding regularization of her services shall remain deferred till receipt of advice from the Regulations Wing, Services & General Administration Department, Government of the Punjab. The Regulations Wing, S&GAD may be approached for soliciting advice on the following questions:

- i. Whether a contractual employee who completed the prescribed period of continuous service and otherwise fulfilled the eligibility criteria under Section 3 of the Punjab Regularization of Service Act, 2018 during the currency of the said Act acquires an accrued, vested or matured right for consideration of regularization?
- ii. Whether such accrued or matured right, if any, survives repeal of the Punjab Regularization of Service Act, 2018 in view of Article 264 of the Constitution of the Islamic Republic of Pakistan, 1973; Section 4 of the Punjab General Clauses Act, 1956; and Section 2(2) of the Punjab Regularization of Service (Repeal) Act, 2025?
- iii. Whether the judgment rendered by the Hon'ble Lahore High Court, Multan Bench, Multan in W.P. No.214/2026 titled "Mohsin Abbas versus Secretary Communication & Works Punjab etc." is applicable generally to all similarly situated contractual employees of the Government of the Punjab or is confined to the facts of the cases decided therein?
- iv. Whether a contractual employee whose case for regularization remained pending before the repeal of the Punjab Regularization of Service Act, 2018 can still be considered for regularization after repeal of the said Act in the light of the principles laid down in "Mohsin Abbas case"?
- v. Whether an employee can be denied consideration for regularization solely on account of administrative delay in processing or deciding the matter before repeal of the Punjab Regularization of Service Act, 2018?
- vi. Whether the expunction of adverse remarks from the PER of Ms. Adila Iqbal vide order dated 21.07.2025 during the subsistence of the Punjab Regularization of Service Act, 2018 has any legal effect upon determination of her claim for regularization?
- vii. Whether extension of contractual tenure granted under the Contract Appointment Policy, 2004 affects, extinguishes, supersedes or otherwise prejudices any claim for regularization which may otherwise be available under law?
- viii. Whether the advice previously issued by Regulations Wing vide letters dated 12.01.2026 and 29.01.2026 requires reconsideration or qualification in view of the subsequent judgment rendered in W.P. No.214/2026 (Mohsin Abbas case)?
- ix. What would be the legally sustainable course of action in the specific case of Ms. Adila Iqbal, JSET (BS-16), in view of Punjab Regularization of Service Act, 2018; Punjab Regularization of Service (Repeal) Act, 2025; Article 264 of the Constitution of the Islamic Republic of Pakistan, 1973;

Section 4 of the Punjab General Clauses Act, 1956; the judgment rendered in W.P. No.214/2026 (Mohsin Abbas case); and the remand order dated 23.04.2026 passed by the Hon'ble Lahore High Court, Multan Bench, Multan in W.P. No.3548/2026?

10. The **Section Officer (Establishment-II)** shall refer the matter to Regulations Wing, S&GAD immediately along with complete record and copies of relevant orders and judgments for tendering advice at the earliest. A final speaking order shall be passed upon receipt of the advice of Regulations Wing, S&GAD.


(SHOAIB QBAL 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)