

IN THE HIGH COURT OF SINDH AT KARACHI

CP. No. D-2083 of 2025

(*Allan Khan v Province of Sindh & others*)

Date	Order with signature of Judge
	Before: Mr. Justice Muhammad Karim Khan Agha Mr. Justice Adnan-ul- Karim Memon

Date of hearing and Judgment: 07.08.2025

Mr. K Jehangir advocate for the petitioner
Mr. Mumtaz Ali Shah, APG.
Mr. Ali Safdar Depar, Assistant AG along with
Mr. Raza Mian DSP Legal, Shoukat Malhan
SDPO Bin Qasim, Karachi

J U D G M E N T

Adnan-ul_Karim Memon, J: Petitioner asks this Court to suspend his transfer order dated May 12, 2025. He requests that the order be declared void and unconstitutional, and that he be allowed to continue working at his previous post.

2. The petitioner, Allan Khan, a police officer with over 36 years of service and claiming to have an unblemished record, is challenging his transfer order dated May 12, 2025. He was recently posted as the Station House Officer (SHO) of Steel Town, Karachi East, in March 2025. He submitted that his premature transfer violated the Police Department's standard operating procedures (SOPs), which state that an SHO's tenure should be a minimum of one year. The SOPs allow for premature transfers only under specific conditions, none of which, he claims, apply to his case.

3. The petitioner's counsel alleged that his transfer is a result of a personal vendetta by lawyers, stemming from an FIR registered at his police station during a protest. He contended that the transferring officer, Respondent No. 3, misused his authority by acting on the illegal demands of these lawyers, disregarding an order from the Inspector General of Police, Sindh, that discourages frequent transfers of SHOs. In support of his contention he relied upon the SOP and letter dated 16.06.2025 issued by office of the DIGP East Zone Karachi and submitted that according to the record of the DIGP office, the petitioner was transferred without plausible reason as such he was recommended to take over the charge previous place of posting. He prayed for allowing the instant petition.

4. The AAG opposes the petition, arguing that transfers and postings are the sole right of the competent authority, as per clause 7 of the SOP, which reads as under:-

Premature Transfer.

7.1 An SHO could only be transferred prematurely by District SSP/SP after prior approval of DIGP Range/Zone on the following compelling reasons.

- a. *Becomes ineligible to fulfill eligibility criteria as mentioned at para 4 of this SOP.*
- b. *Unsatisfactory performance or failure to control crime and maintain law & order situation.*
- c. *Physical or mental incapacitation.*
- d. *Found guilty of faulty/defective investigation.*
- e. *Framing of criminal charges by a Court of Law.*
- f. *Awarded major punishment for charges of misuse of official authority inefficiency or corruption.*
- g. *Superseded by any promotion board/committee.*
- h. *A complaint against the officer with tangible maternal of serious misconduct. Inefficiency or corruption, duly established by an enquiry officer.*
- i. *Voluntary request by the officer for transfer due to some unavoidable personal reason endorsed by his superior officer.*
- J. *Proceeding on departmental course of duration of more than 30 days.*
- k. *Proceeding on leave of any kind for a period of more than 21 days.*

He further submitted that due to poor performance petitioner failed to control the rising crime in the jurisdiction of P.S Steel Town, as he was found incapable of maintaining Law & Order situation including the incident involved a protest by advocates and National Political Parites against the construction of Six canals of the River Indus as a result the main National Highway was blocked, consequently petitioner was transferred by the competent authority vide impugned order dated 12.05.2025. He has therefore requested this Court to dismiss the petition.

5. We have heard the counsel for the parties and perused the record with their assistance.

6. In Karachi, the transfer and posting of Station House Officers (SHOs) are governed by specific rules and regulations, with this Court having the authority to review these actions if they are deemed arbitrary or unlawful. The Sindh Police recently implemented a new Standard Operating Procedure (SOP) for SHO appointments and transfers, emphasizing merit and addressing malpractices. The SOP for Station House Officer (SHO) appointments and transfers aims to create a merit-based system and end arbitrary practices. Only officers who have completed the Upper School Course are eligible for posting. Officers with corruption charges or serious criminal cases are disqualified. SHOs must serve a minimum of one year.

7. Premature transfers are only allowed for valid reasons, such as corruption, inefficiency, or prolonged inquiries. Besides record shows that petitioner was served with the Show Cause Notices dated 07.04.2025 and

20.04.2025 on the subject issue as discussed in the preceding paragraphs and disciplinary proceedings which is pending against him. If this is the position of the case, IGP Sindh is strictly directed to post only those police officers as SHO of the concerned police station who are graduate and well mannered; besides they shall not have the criminal patchy record in their dossier. The IGP Sindh shall not ignore this directives.

8. We have been informed that the power to appoint SHOs has been delegated to the Senior Superintendent of Police (SSP) of each district, with a committee overseeing the process to ensure fairness. Officers cannot be posted in their home districts without approval from the Inspector General of Police (IG), and they cannot be reposted to the same station within three years. This reform is seen as a positive step toward improving public trust and addressing long-standing malpractices in the police force.

9. Transfer and posting of police officials are considered internal administrative matters. No police officials has a right to a specific posting, at particular police station, as the authority to transfer staff falls under the employer's discretion to maintain operational efficiency and discipline, more particularly in the Police Department, Government of Sindh.

10. The transfers and postings are administrative matters and do not violate civil servants' fundamental rights. Supreme Court precedents on the subject issue are clear as such this Court affirmed that civil servants have no legal right to a specific posting. Transfer orders are an administrative prerogative of the competent authority, intended to ensure the smooth functioning of the department. These orders can only be challenged if they are issued for "extraneous reasons" or violate statutory rules, neither of which is proven in this case as the reasons are obvious as pointed out and discussed supra, as such this Court cannot intervene. Besides, the petitioner's transfer after a few months is not considered excessive.

11. The petitioner failed to demonstrate any illegality or malice in the transfer order, and therefore, this petition lacks merit, which is accordingly dismissed.

Let a copy of this order be transmitted to IGP Sindh for information and compliance.

JUDGE

Head of the Constitutional Benches