

IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No.D-821 of 2023

[Muhammad Shoaib and others versus Federation of Pakistan and others]

Before:

Justice Muhammad Karim Khan Agha

Justice Adnan-ul-Karim Memon

Date of hearing & Order: 23.09.2025

Mr. Ahmed Hussain Jokhio, advocate for the petitioners.

Ms. Wajiha Mehdi, Assistant Attorney General.

ORDER

Adnan-ul-Karim Memon, J. Through this petition, the petitioners sought the following relief(s):-

- i. *To hold and declare that the moving order/ Transfer order dated 01-02-2023 and 28-01-2023 are null and void and against natural justice, and also against the nature of the job of the petitioners*
- ii. *To direct the respondents to recall the order dated 01-02-2023 and 28-01-2023, as the said order is against the nature of the job and also against the experience of the petitioners.*

2. According to the facts narrated in the memo of petition are in 2015, several individuals, including the petitioners, were hired as Civilian General Cadre Constables for the Pakistan Rangers and stationed at Sindh Rangers Hospital in Karachi. They worked as medical technicians in various departments (OT/Skld/ICU) and as skilled nurses. Despite their specialized roles, they were transferred to different operational Rangers wings, vide transfer orders dated 01-02-2023 and 28-01-2023, without receiving appropriate training.

3. The petitioners' counsel argued that after their initial appointment, the petitioners were trained for medical roles and have since performed their duties diligently, with no complaints about their work. They were never trained for operational duties, such as using weapons, and know nothing about the operational department. The counsel stated that transferring them from medical to operational roles poses a significant risk due to their lack of training and experience in that area. He argued that the transfer order violates their fundamental rights, as they are not prepared to perform duties outside of the medical department. The petitioners have repeatedly asked the authorities to reverse the transfer order. In support of his contention he relied upon the unreported judgment dated **12.06.2025 in CPLA No. 407-K & 499 of 2021** passed by the Supreme Court and orders dated **29.08.2025 in C.P. No. 2690/2022**. The counsel requested that this court allow the petition.

4. The Learned Assistant Attorney General (AAG) opposed the petition, arguing that, as per the verdict of the Supreme Court of Pakistan in the case of Federation of Pakistan v. Muhammad Nazir **1998 SCMR 1081**, held that the employees of Pakistan Rangers fell within the definition of a civil servant, as their case falls within the ambit of the Federal Service Tribunal. She further submitted that during the pendency of the petition, the services of the petitioners have been dispensed with, as such they have to avail their remedy before the competent forum, and this petition has become infructuous and liable to be dismissed in terms of the latest development. In support of her contention she relied upon unreported orders dated **27.01.2023 in C.P. No. D-335/2023**, **20.03.2025 in C.P. No. D-21 of 2025** passed by this Court. She prayed for dismissal of the petition. The aforesaid stance of the learned AAG has not been refuted by the counsel for the petitioners; however, she submitted that their services have been dispensed with during the operation of the stay order, and as such, they are liable to be proceeded against under contempt proceedings. One of the termination from service orders dated 25.03.2024 is reproduced as under:-

“ In exercise of powers conferred upon me under Section 15(1-B) of Pakistan Rangers Ordinance 1959, summary trial in respect of Number R-144819 Sepoy General Duty Ateeq ur Rehman ex Headquarters Wing Pakistan Rangers (Sindh) has been conducted under section 15(1) of Pakistan Rangers Ordinance 1959 read with Rule-4 of Pakistan Rangers (Efficiency, Discipline and Appeal) Rules 1967 by the undersigned on 25 March 2024 and awarded the sentence of “Dismissed from Service” on the charge of overstayed leave for 08 months and 25 days from 25 February 2023 to 19 November 2023”, whereas his “ period of absence to be treated without leave” in the light of Rule -6(1) of Pakistan Rangers Leave Rules 1981. Thus, committed an offence in violation of Section 14(1) & (m) of the Pakistan Rangers Ordinance, 1959.

2. As per Rule-16 of Pakistan Rangers (Efficiency, Discipline and Appeal) Rules-1967, R-144819 Sepoy General Duty Ateeq Ur Rehman ex ex-Headquarters Wing Pakistan Rangers (Sindh), may submit the departmental appeal before the appellant authority (Director General Pakistan Rangers (Sindh) within 30 days from the date of receipt of the punishment order.”

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

6. In the interest of efficiency and discipline, employee transfers are an internal administrative matter. No employee has a right to a specific posting, as the authority to transfer lies with the employer. However, the petitioner's counsel argued that the transfer order is arbitrary and unlawful as it has been issued for extraneous reasons.

7. Transfers and postings are not protected under fundamental rights. A transfer is an administrative matter, and an employee has no legal right to be posted at a specific location. The petitioner has not shown any legal infringement in this case. A transfer order can only be challenged if it violates statutory rules or is based on extraneous reasons. Courts should allow the administration to function smoothly without interfering in the transfer of officers.

8. Based on the aforementioned judgment of the Supreme Court and service rules framed by the Pakistan Rangers, employees of Pakistan Rangers can be posted anywhere, for the public good. The authority to post and transfer employees rests solely with the competent authority of the Pakistan Rangers. A transfer can only be challenged if it violates the law, rules, or is made in bad faith.

9. We have been informed that the petitioners were dismissed from the Pakistan Rangers (Sindh) on March 25, 2024, for unauthorized absence. They filed a departmental appeal within the 30-day window, but the outcome is still pending. This court deems it proper to direct the competent authority of Pakistan Rangers to decide their appeals, if not earlier decided, within one month after a hearing is conducted.

10. Adverting to the jurisdiction of the Federal Service Tribunal, which is established in pursuance of Article 212 of the Constitution has been conferred exclusive jurisdiction only in respect of the dispute relating to terms and conditions of the service of a 'Civil Servant' as defined under the Civil Servants Act, 1973 and as such the jurisdiction of the Service Tribunal could not be extended to any other category of employees, except the categories of employees whose terms and conditions of service have been framed/settled by the competent authority of the establishment/institution under the powers conferred by the Constitution as discussed in the preceding paragraphs. Since the Supreme Court of Pakistan in the case of *Federation of Pakistan v. Muhammad Nazir*, **1998 SCMR 1081**, held that the employees of Pakistan Rangers fell within the definition of a civil servant, as their case falls within the ambit of the Federal Service Tribunal.

11. In view of the above discussion, without touching the merits of the case, the captioned petition, along with application(s), is dismissed, leaving the petitioners to challenge the legality of the impugned orders, including termination from service orders, if any, before the appropriate forum.

JUDGE

HEAD OF CONST. BENCHES

SHAFT