

THE HIGH COURT OF SINDH KARACHI

BEFORE:

Mr. Justice Muhammad Saleem Jessar

Mr. Justice Nisar Ahmed Bhanbhro

C.P. No. D - 4537 of 2025

[Dr. Syed Muhammad Abbas Rizvi & another v. Federation of Pakistan & another]

Petitioners : Dr. Syed Muhammad Abbas Rizvi
and Dr. Ainey Talpur through Syed
Muhammad Saulat Rizvi, Advocate.

Respondents : Federation of Pakistan & another
through Ms. Shazia Hanjra Deputy
Attorney General for Pakistan.

Date of hearing : 30-04-2026

Date of decision : 14-05-2026

J U D G M E N T

Muhammad Saleem Jessar, J. - Through this petition, the Petitioner claims following relief(s):

- a. *That by virtue of unchanged terms and conditions of his employment, the petition No.1 cannot be transferred from Province of Sindh to Province of Balochistan as the same is in violation of fundamental rights guaranteed by the Constitution of Pakistan and the Wedlock Policy framed thereunder.*
- b. *Hold and declare that any policy, including Rotation Policy 2020, framed in contradiction of Constitutional commands denying fundamental rights to the petitioners is nullity in the eye of law.*
- c. *Set aside the impugned Transfer Order whereby the Petitioner No.1 has been transferred to Balochistan.*
- d. *A interim relief may also be granted.*
- e. *Award any other relief as deemed just and proper.*

2. Learned counsel for the Petitioner contended that the Petitioner, a serving officer of the Police Service of Pakistan in BPS-20, was initially posted in the Province of Sindh. However, vide notification dated 24.06.2025, he has been transferred to the Province of Balochistan. It is further contended that Petitioner No.1 is the husband of Petitioner No.2, who is serving as a Lecturer (BPS-18) at Jinnah Sindh Medical

University, Karachi (JSMU). Learned counsel for the Petitioners further submitted that the post held by Petitioner No.1 is non-transferable in view of the Wedlock Policy. It is further contended that the post held by Petitioner No.2 is also non-transferable, as JSMU is situated exclusively in Karachi and does not have its presence across Pakistan. It is further contended that, in view of the Wedlock Policy, the Respondents are under a legal obligation to post both spouses at the same station in order to ensure family unity and to advance the larger social welfare objective underlying the said policy. Learned counsel further submitted that a written request was duly submitted for consideration seeking posting of both Petitioners at the same station. The said request was routed through the Inspector General of Police as well as the Chief Secretary, Sindh, to Respondent No.2 (Establishment Division); however, the same was declined. It is further averred that the impugned transfer order dated 24.06.2025 is contrary to the Wedlock Policy and other governing laws. Therefore, he prays that the petition may be allowed.

3. Learned Deputy Attorney General for Pakistan controverted the submissions advanced on behalf of the Petitioners and contended that Petitioner No.1, being an officer of the Police Service of Pakistan in BPS-20, cannot claim the benefit of the Wedlock Policy for an indefinite period. It is further contended that the Wedlock Policy is subject to administrative exigencies and availability of a suitable vacancy/seat at the relevant station, and cannot be enforced as an absolute or infeasible right. She further argued that the Petitioners cannot derive benefit from Article 35 of the Constitution of the Pakistan, 1973, as both Petitioners are financially and professionally independent, Petitioner No.1 being a BPS-20 officer and Petitioner No.2 a BPS-18 officer, and

therefore no question of dependence arises. In these circumstances, learned Deputy Attorney General prayed that the petition may be dismissed.

4. In order to facilitate cohabitation of spouses and to address the welfare of unmarried daughters, the Government of Pakistan, Cabinet Secretariat, Establishment Division, introduced the Wedlock Policy vide notification dated 13.05.1998. For ease of reference, the said Policy is reproduced hereunder:

No. 10/30/97-R.II

Islamabad, the 13 May, 1998.

OFFICE MEMORANDUM

Subject:- POSTING OF SERVING HUSBAND /WIFE AT THE SAME STATION.

The undersigned is directed to state that Government has taken note of the socio-economic problems and hardships faced by husbands and wives in Government service due to posting at different stations of duty, and it has been decided to prescribe the following guidelines to facilitate posting of husband and wife at the same station:

- (i) *Where a request is made for posting at a different station in the same department/service/cadre in which an employee is already serving, the request may be accepted subject to availability of a post in the same BPS.*
- (ii) *If a request involves temporary deputation to another department, it may be processed in consultation with the concerned department, and may be accepted on the prescribed terms of deputation subject to availability of a post in the same BPS.*
- (iii) *When a request is made for permanent transfer to/absorption in another department/agency, the request may be processed in consultation with the department concerned, subject to the condition that in the event of permanent transfer, seniority shall be determined in accordance with Rule 4 of the Civil Servants (Seniority) Rules, 1993.*
- (iv) *If there is a tie between two or more Government servants for posting at the same station in the same department/unit of an organization, the Government servant with greater length of service may be preferred.*
- (v) *Request for posting by a spouse facing serious medical problems may be accorded highest priority.*

- (vi) *Spouses already posted at one station, including those posted on deputation beyond the prescribed maximum period, may normally not be disturbed without compelling reasons of public interest. Requests for extension of deputation period beyond the permissible limit may be considered with compassion if interests of public service would permit.*
2. *The above guide-lines are subject to the following conditions:-*
- (i) *Posting of husband and wife at the same station should not be made by dislocation of any Government servant already serving at a particular station unless his transfer is necessitated by compelling reasons of public interest or within the frame work of general policy of postings and transfers.*
- (ii) *The prescribed selection authority should be consulted in each case.*
3. *All Government servants whose spouses are in Government service may be asked to furnish at the end of every calendar year the particulars of their spouses to their controlling Ministries/Divisions so as to facilitate maintenance of ICP Charts and upto-date monitoring of the situation.*
4. *The above guidelines may be circulated to the autonomous bodies under the charge of Ministries / Divisions for adoption, with such modifications, as may be considered necessary.*
5. *The above policy was also followed in the subsequent notification dated 16.04.2012, which reads as under:*

Islamabad, the 16th April, 2012

NOTIFICATION

S.R.O. 375, (1)/2012.--In exercise of the powers conferred by sub-section (1) of section 25 of the Civil Servants Act, 1973 (LXXI of 1973), read with Notification No. SRO 120(1)/98, dated the 27th February, 1998, the Prime Minister is pleased to direct that the following further amendment shall be made in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, namely:- In the aforesaid Rules, in rule 20-A after sub-rule (3) the following proviso shall be inserted and shall deem to have always been so inserted, namely:-

“Provided that posting of serving husband and wife at the same station, unmarried female government servants at the place of residence of their parents/family and that of married female government servants at the place of residence/posting of their husbands who are not in government employment shall be exempted from the said rule”.

6. The policy governing posting of married female civil servants at the station of their husbands, where the latter are in employment, or at their place of residence, where they are not, is grounded in the constitutional framework and derives support from Article 35 of the Constitution of the Islamic Republic of Pakistan, 1973. The said provision enjoins the State to protect the family institution, thereby obligating all executive authorities to promote and preserve family unity. It would be neither reasonable nor justified to require a married female employee to remain posted away from her family for an indefinite period, as such a situation may amount to undue hardship unconnected with any misconduct. Therefore, executive authorities, while exercising powers of transfer and posting, are required, as far as practicable, to avoid separating female employees from their family unit or ordinary place of residence. Although Section 10 of the Sindh Civil Servants Act, 1973 empowers the competent authority to transfer a civil servant anywhere within the province in the exigencies of service, the said policy, being beneficial in nature, operates as a guiding exception requiring a harmonious construction with the statutory framework, to the extent it permits relaxation in cases involving female employees.

7. The Wedlock Policy, no doubt, was framed with the object of promoting family unity by facilitating, as far as possible, the posting of spouses at the same station. However, extending such accommodation to an indefinite arrangement in the nature of continuous posting at the same station would defeat the very purpose and underlying scheme of the service rules. Such an arrangement is likely to disrupt cadre management, create imbalance in staffing requirements, and adversely affect administrative efficiency. Moreover, perpetual or prolonged posting for an indeterminate period may blur the

distinction between policy-based accommodation and substantive posting, thereby giving rise to concerns of policy misuse and administrative irregularities.

8. It is observed that although the Wedlock Policy is intended to advance legitimate humanitarian considerations and to ensure work-life balance of public servants, its application cannot be extended so as to justify an indefinite posting at a particular station. Admittedly, Petitioner No.1 is an officer of BPS-20 in the Police Service of Pakistan, whose services are transferable throughout Pakistan as there are very limited seats of BPS-20, therefore, if an officer is permitted to continue at a particular station for an indefinite period under the garb of Wedlock Policy, it would adversely affect the rotation policy and deprive other officers of their due opportunity of posting across the country. In such circumstances, instead of insisting upon retention of Petitioner No.1 at the place where his spouse is posted, the appropriate course would be (if any) for the competent authority to consider posting of the spouse at the station of posting of the officer, in accordance with Section 10 of the Civil Servants Act, 1973, subject to availability of vacancy and administrative exigencies. Reliance is also placed on the judgment of the *Hon'ble Federal Constitutional Court of Pakistan in Mst. Salma Raza v. Government of Khyber Pakhtunkhwa* (C.P.L.A. No. 760-P/2025), decided on 09.02.2026, wherein the Court deprecated the practice of allowing indefinite posting at a particular station under the guise of wedlock considerations. For ease of reference, relevant observations of the Hon'ble Court are reproduced hereunder:

Wedlock policy, is a state initiative that closely corresponds with the States responsibilities, obligations and aspirations to "protect marriage, family, mother and child" and to ensure

“participation of women in all spheres of life”. At no point does this Court take the view that wedlock policy should not be observed. Every state institution is expected to keep wedlock policy under consideration and to take positive measures to secure compliance with the same. But this Court remains mindful that policy must not be conflated with law. Similar to Pakistan's wedlock policy, India has a spouse posting policy, also known as the “couple case,” which requires that married civil servants be transferred or posted to the same station. Yet, despite the existence of such a policy the Courts therein maintain the view that “who should be transferred where, is a matter for the appropriate authority to decide. Unless the order of transfer is vitiated of by malafides or is made in violation of any statutory provisions, the Court cannot interfere with it. While ordering the transfer, there is no doubt, the authority must keep in mind the guidelines issued by the Government on the subject. Similarly, if a person makes any representation with respect to his transfer, the appropriate authority must consider the same having regard to the exigencies of administration. The guidelines say that as far as possible, husband and wife must be posted at the same place. The said guideline however does not confer upon the government employee as a legally enforceable right” (quoting Union of India v. S.L. Abbas, 1993 4 SCC 357 at p.7); See, e.g., Gurjit Singh v. Union of India, CWP-26844/2025.

We believe that the authorities laid down by the Islamabad High Court in Mst. Saman Naz v. Federation of Pakistan, supra, and Mrs. Nusrat Rasheed v. Federation of Pakistan, supra, capture the true essence of the law that wedlock policy cannot be made a ground for indefinite posting and it does not create a vested right. Wedlock policy does not create a vested right whatsoever; instead, it is a policy, a guiding principle not one that is to be adjudicated upon strictly by the Courts. Ideally, the institutions and departments are to move in line with this policy and not derogate from it on whimsical grounds, but the same cannot be relied upon to disturb our civil bureaucratic structure or the settled jurisprudence on the service laws of our country.

9. Petitioner No.1 cannot claim any vested or indefeasible right to be posted at a place of his own choice merely on the ground that his spouse is serving there. However, he may approach the competent authority for appropriate administrative accommodation, including consideration of transfer of his spouse on a temporary or interim basis (if any), in order to maintain parity and balance within the service structure, subject to availability of vacancy and administrative exigencies. The Petitioners have also failed to demonstrate any illegality, mala fide intent, or jurisdictional defect in the

impugned order so as to warrant interference by this Court in exercise of its constitutional jurisdiction under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973.

10. For the foregoing reasons, the instant petition is devoid of merit and is accordingly dismissed.

JUDGE

JUDGE
HEAD OF THE CONST. BENCH

**PS/SADAM*

APPROVED FOR REPORTING