

# **HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD**

**C.P. No.D-1928 of 2025**

[Ubedullah Siddique vs. Province of Sindh and Others]

## **BEFORE:**

**JUSTICE ADNAN-UL-KARIM MEMON**  
**JUSTICE RIAZAT ALI SAHAR**

Mr. Ishrat Ali Lohar, advocate for petitioners

Mr. Shahzeb Abbasi, advocate for respondent No.3

Mr. Rafique Ahmed Dahri, Assistant A.G. Sindh a/w Secretary Services SGA&CD Ghulam Ali Birahmani, Assistant Director Law SGA&CD Naeem Hussain, and Assistant SGA&CD Jabir Jabbar

Date of hearing & decision: 27.11.2025

## **ORDER**

**ADNAN-UL-KARIM MEMON J. -** Through captioned petition, the petitioner has challenged the legality of the Notification dated 24.10.2025, whereby he was transferred from the position of Regional Director (BS-20), Local Government Hyderabad Division, and posted to the same post in Mirpurkhas Division, while Respondent No.3 was appointed as Regional Director, Local Government Hyderabad Division.

2. Learned counsel for the petitioner contends that the petitioner has rendered over 33 years of service, having been initially appointed as an Instructor in the Local Government Department on 16.07.1992, and, due to unblemished service record, he earned promotions up to BS-20. Presently, he is serving as Regional Director, Local Government Hyderabad Division. Although the Petitioner's retirement is due on 30.03.2026, the impugned notification of transfer has been issued, such action of respondents, according to the petitioner, violates the Sindh Government's Transfer Policy, which prohibits transferring an employee at the verge of retirement. Furthermore, the petitioner contends that the respondents acted *mala fide* as evidenced by the fact that, despite this Court keeping the impugned notification in abeyance vide Order dated 25.11.2025, a subsequent notification dated 18.11.2025 directed him to report to the Local Government & Housing Town Planning Department, Karachi. These actions, the petitioner submits, reflect the respondents' malafides and are liable to be checked by this Court under its writ jurisdiction. He prayed to allow this Petition.

3. Learned Assistant Advocate General Sindh, duly assisted by the counsel for Respondent No. 3, challenged the maintainability of this petition, contending

that the petitioner, being civil servant, the petition is barred under Article 212 of the Constitution and is therefore liable to be dismissed on this ground alone. It was further argued that no officer can claim posting of his or her choice, as all government officers and officials are duty-bound to serve at any post as assigned by the competent authority. Reliance was placed on several judgments of the Apex Court establishing that no one is entitled to claim posting of choice, even at the verge of retirement. It was submitted that the impugned notifications were issued by the competent authority and that transfer and posting are purely administrative matters which this Court should not interfere with. The learned counsel, therefore, prayed for dismissal of the petition on the ground of non-maintainability.

4. We have heard the learned counsel for the parties and perused the material available on record.

5. The petitioner's grievance relates to his transfer/posting, which falls within the "terms and conditions of service" under the Sindh Civil Servants Act, 1973, and relevant service rules. It is well-settled by the Supreme Court of Pakistan that ordinary transfers, even near retirement, are within the exclusive discretion of the executive and are ordinarily not subject to judicial interference. A government servant has no vested right to a particular posting or to remain at a specific station. Accordingly, this petition, challenging a transfer notification, falls within matters covered by Article 212, barring constitutional writ jurisdiction. Judicial interference in such administrative matters is only justified in extraordinary circumstances, such as proven *mala fides*, extraneous motives, or violation of law.

6. The petitioner's claim approaching retirement, alleged violation of a "Transfer Policy," and purported *mala fides* are insufficient, as no clear illegality or rule violation is shown. The proper forum for such challenges is Service Tribunal or administrative forum and not this Court under Article 212.

7. In view of the above and settled Supreme Court precedents, the petition is not maintainable and is hereby dismissed. The petitioner may, if advised, seek redress before the competent service forum.

JUDGE

JUDGE

Karar Hussain/PS\*