

He further submits that the Committee constituted by the High Police Officials, who recommended for major punishment for compulsory retirement of the Petitioner on the ground of involvement of criminal cases/patchy record. The recommendations of the Committee is available at Page-55.

The Petitioner further submits that he has been condemned unheard which is violation of Article 10-A of the Constitution and prays for suspension of the departmental proceedings initiated against him.

We are of the opinion that the Petitioner is Civil Servant and his case falls within the ambit of Sindh Civil Service Act, and Police Rules, 1934.

It is now well settled that this Court has no jurisdiction under Article 212 of the Constitution, which oust the jurisdiction of this Court in respect of the matters pertaining to terms and conditions of Civil Servants.

The ouster contemplated under the said article is the constitutional command, and, therefore, of necessity restricts the jurisdiction of this Court on the subject, which squarely falls within the exclusive domain of the Sindh Service Tribunal.

We are of the firm view that the expression terms and conditions as defined in Sindh Civil Servant Act, 1973 and Rules framed thereunder include transfer, posting, disciplinary matters, absorption, seniority and eligibility to promotion and the same comes within the ambit of section 4 of the Sindh Service Tribunal, Act, 1973. The reference is made in the case of Ali Azhar Khan Balouch Vs. Province of Sindh and others (2015 SCMR 456).

In the light of above facts and circumstances of the case, the case of the Petitioner squarely falls within the ambit of terms and conditions of Sindh civil Servants Act, 1973 and this Court has no jurisdiction under Article 212 of the Constitution to dilate upon the merits of the case of entertain the instant Petition under Article 199 of the Constitution. the Petition being misconceived is dismissed in limine along with listed applications.

JUDGE

JUDGE

Shafi Muhammad P.A