

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
C. P. N. D-3716 of 2018

Date	Order with signature of Judge
1. For orders on Misc. No.16861/2018.	
2. For orders on Misc No. 16862/2018.	
3. For orders on Misc. No. 16863/2018.	
4. For hearing of main case.	

**11.05.2018**

Mr. Hussain Bakhsh Advocate for the Petitioner.

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The Petitioner has sought following relief:-

***A. To hold that the impugned Letter No. PA/Secy/KDA/2018/917 dated 08.05.2018 of frequent Transfer of the petitioner issued by the respondent No.3 is illegal, unlawful, void ab-initio without reasoning and against the principles of natural justice and the same is liable to be struck of/quashed.***

***B. To hold that the respondent No.3 has lack of authority to run the Business of Lines Area Re-Development Project as it runs through Lines Area Re-Development Project Board constitution vide Notifications dated 09.10.1983 and 22-12.1985 under the Chairmanship of the Chief Minister, Sindh.***

The grievance of the Petitioner is that he is a victim of frequent transfer and posting and claim protection in accordance with the Judgment passed by the Hon'ble Supreme Court of Pakistan rendered in the case of Anita Turab (PLD 2013 SC 195).

Mr. Hussain Bakhsh, learned counsel for the Petitioner has argued that the Petitioner was appointed in Karachi Development Authority (KDA) as Assistant Demolition Officer on 18.12.1985 and was subsequently promoted in BPS-19 vide Notification dated 17.01.2013; that on 27.02.2018 the Petitioner was transferred and posted as Project

Director Lines Area Re-development Project (KDA) and within a period of two months he was relieved from his charge vide letter dated 08.05.2018 without any lawful justification. Learned counsel contended that normally tenure of posting of a Government Servant is three years, however the Respondents did not allow the Petitioner to complete his tenure of posting, which is in violation of the Judgment passed by the Hon'ble Supreme Court of Pakistan in the case of Anita Turab as discussed supra; that Petitioner impugned the letter dated 17.01.2018 in Constitution Petition No. D-1008 of 2018 but during the pendency of the that Petition he was again transferred without any justiciable reason. Petitioner has impugned the letter dated 08.05.2018, whereby he was relieved from the charge of the post of Project Director (LARP), KDA. He lastly prayed for suspension of the impugned transfer order dated 08.05.2018.

Upon query by this Court as to how the instant Petition is maintainable against the transfer and posting order, the learned counsel for the Petitioner reiterated his above arguments and argued that this is a hardship case and this Court can hear and decide the matter on merits.

We have gone through the case file and heard the learned counsel for the Petitioner at some length.

Admittedly, the Petitioner is an employee of KDA and was allowed to relinquish the charge of the post of Project Director (LARP) KDA vide letter dated 08.05.2018 therefore, the forum chosen by the Petitioner by invoking the Constitutional Jurisdiction of this Court under Article 199 of the Constitution is not proper under the law.

On the above proposition of law, the principle has already been settled in the case of Pir Muhammad Vs. Government of Baluchistan and others (2007 SCMR 54).

The Petitioner has assailed his transfer order before this Court. We are of the considered view that the expression terms and conditions includes transfer, which falls within the jurisdictional domain of the Competent Authority, however this Court can exercise powers under Article 199 of the Constitution when the ordinary tenure for posting has been specified but in the present matter the Petitioner has failed to point out whether the charge of the post of Project Director (LARP), KDA is a tenure post. The case law cited by the learned counsel for the Petitioner is of no help to him as the case of Anita Turab deals with the issue of tenure posts of Civil Servants, whereas the Petitioner is not a Civil Servant but an employee of a Local Government. Petitioner thus has failed to make out his case for indulgence of this Court at this stage; consequently, the instant Petition stands dismissed in limine along with the listed applications. However, the Petitioner may avail appropriate remedy as provided to him under the law.

JUDGE

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