

THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P No.D-231 of 2016

BEFORE: Mr. Justice Nadeem Akhtar
Mr. Justice Adnan-ul-Karim Memon

None present for the petitioners.

Date of Hearing: 26.11.2019

ORDER

ADNAN-UL-KARIM MEMON, J:- Basically, petitioners are asking for setting aside the notification dated 09.12.2014 of their transfer and posting issued by respondent No.1 / Chief Secretary, Government of Sindh. The issue of transfer and posting has already been dealt with by the Honourable Supreme Court in the case of Ali Azhar Khan Baloch & others v. Province of Sindh & others (2015 SCMR 456).

2- Foremost point in the present proceedings is whether the civil servant can file a writ petition by invoking constitutional jurisdiction of this Court in respect of the terms and condition of his service when there is bar contained in Article 212 of Constitution of Islamic Republic of Pakistan, 1973.

3- Admittedly, the petitioners are civil servants and their case fall within the ambit of Section 3(2) of Sindh Services Tribunal Act, 1973.

4- Looking at the term transfer which has been used with posting in Section 10 of the Sindh Civil Servant Act, 1973, which explicatively provides that a civil servant can be transferred and posted at any place within the province.

5- In the light of aforesaid legal position, the impugned notification dated 09.12.2014 issued by the respondent No.1 to the effect of transfer and posting of the petitioners is within the parameters of law laid down in the case of Ali Azhar Khan Baloch supra, thus the contention raised by the petitioners are not tenable in the eyes of law.

6- Keeping in view of the above mentioned facts and circumstances of the case, we do not see any infringement rights of the petitioners, which could be called in question by way of writ petition.

7- Considering the case of petitioners in the above perspective, we find no merit in the instant petition, which is dismissed alongwith pending application[s]. However, petitioners may seek appropriate remedy as provided under the law.

JUDGE

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