

IN THE HIGH COURT OF SINDH AT KARACHI

Before:-

Mr. Justice Nadeem Akhtar

Mr. Justice Adnan-ul-Karim Memon

Constitutional Petition No.D-5931 of 2018

Imtiaz Ahmed Shah *versus* The Province of Sindh and 02 others.

Date of hearing
& Decision : **15.01.2020**

Mr. Allah Ditta Shah, advocate for the petitioner.

Mr. Ali Safdar Depar, AAG.

ORDER

ADNAN-UL-KARIM MEMON, J:- Petitioner in this petition is seeking actualization of his promotion in BPS-19 and posting. The respondents have accepted the stance of the petitioner by issuing notification dated 12.2.2018, whereby he has been promoted from BPS-18 to BPS-19, Local Government Department on regular basis. However, Mr. Allah Ditta Shah, learned Counsel for petitioner, has raised his voice of concern on the ground that punitive action has been taken against the petitioner by the respondents by placing his services at the disposal of Hyderabad Municipal Corporation against an existing vacancy vide notification dated 14th November, 2019.

2. We queried from the learned counsel that the purpose of filing of this petition has been served on the premise that petitioner has been promoted to BPS-19 and posting order has been issued by the respondent-department. He replied that the petitioner has been illegally transferred from present posting to Hyderabad which is basically victimization, therefore, his transfer order dated 14th November, 2019 may be cancelled and the petitioner may be brought back to Karachi in BPS-19.

3. We cannot accept this assertion of the petitioner for the simple reason that petitioner has brought this *lis* for actualization of his promotion in BPS-19 and posting which has been done and proper posting order has been issued as discussed *supra*; and, also as the transfer order has not been impugned herein.

4. Essentially in service jurisprudence, appointment, promotion and posting/transfer are of utmost importance. If these are made on merit in accordance with definite rules, instructions etc., and the same will rightly be considered and treated as part of the terms and conditions of service of a civil/government servant.

5. The transfer and posting of a civil/government servant is prerogative of the Government, which cannot be interfered with under the constitutional jurisdiction, under the service law, petitioner is under obligation to serve anywhere in the province, he has no vested right to remain at particular post for indefinite period, therefore the petitioner cannot ask for posting at particular place.

6. In the light of above facts and circumstances of the case, the purpose of filing of this petition is over which is accordingly disposed of with no order as to costs.

JUDGE

JUDGE

Nadir/

