

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI

C.P.No.D-8334 of 2018

Date	Order with signature of Judge
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1. For orders on M.A No.36473/18 (U/A)
 2. For orders on office objection No.6, 18 & 26.
 3. For orders on M.A. No.36474/2018 (Ex/A)
 4. For Hearing of Main Case.
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03.12.2018.

Mr. Imtiaz Ali Awan, advocate for the petitioner.

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1. Urgency granted.

2to4. In the instant petition, the petitioner has impugned order dated 09.11.2018.

Briefly stated the facts of the case are that the petitioner was appointed on 05.10.1993 as Secretary, Union Council under “disable quota” and thereafter he was posted as Secretary, Union Council Mir Ghulam Hussain, District Mirpurkhas vide order dated 11.10.2012. The petitioner has now been transferred, which is impugned in the instant petition.

Mr. Imtiaz Ali Awan, advocate has appeared on behalf of the petitioner and stated that transfer of the petitioner has been made on mala fide intention just to take revenge from him. It is seen that apart from challenging his transfer the petitioner has also prayed for appropriate action against the respondent No.3 for embezzlement of funds etc.

At the very outset so far as embezzlement of funds is concerned petition is not maintainable and the petitioner should approach the concerned authorities in this behalf, hence the petition so far as prayer clauses b, c, d, e, are concerned is found to be not maintainable hence dismissed.

So far as claim of the petitioner impugning his transfer is concerned, it is noted that the petitioner has challenged his transfer order from one place of service to another alleging that the same has been made in order to take revenge from him. The counsel was asked to satisfy the Court as to how the instant petition against transfer order is

maintainable, to which he could not furnish any plausible reply except saying that the petitioner is being victimized due to some departmental issues and to take revenge from him. In our view an employee has no vested right to remain posted at a place of his own choice nor can he insist that he must be posted at one place or the other. He is liable to be transferred in the administrative exigencies from one place to other. Transfer of an employee is not only an incident inherent in the terms of appointment but also implicit as an essential condition of service in absence of any specific indication to the contrary. No Department can function if an employee insists that he should be posted at the place of his own choice and desire. In the matters relating to the posting and transfer of an employee the superior Courts have always held that the transfer and posting at a particular place is not a vested right of an employee rather the Competent Authority is the best judge of necessary features of service. In our view it is the sole prerogative of the Respondents/Competent Authority to transfer any employee and the Courts usually refrain from interfering in postings and transfers particularly where there is no element of mala fide. The Petitioner has failed to establish from the record appended with the petition, any element of mala fide on the part of the Respondents/ Department while passing the impugned order, hence the same cannot be held to be illegal. The petition, thus, is found to be wholly misconceived and is, accordingly, dismissed in limine alongwith listed applications.

JUDGE

JUDGE