

ORDER SHEET

# HIGH COURT OF SINDH AT KARACHI

C.P.No.D-8804 of 2018

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Date	Order with signature of Judge
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1. For orders on M.A No.38893/18 (U/A)
  2. For orders on M.A. No.38708/2018 (Ex/A)
  3. For orders on M.A. No.38709/2018 (Stay/A).
  4. For hearing of Main Case.
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21.12.2018.

Mr. Mehmoodul Hassan, advocate for the petitioner.

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1. Urgency granted.
- 2-4. In the instant petition, the petitioner has impugned his transfer order dated 13.12.2018.

Briefly stated the facts of the case are that the petitioner was working as Manager OPD, NICVD Karachi and has been transferred as Manager OPD, NICVD Lyari and it is against this transfer order that the present petition has been filed.

Mr. Mehmoodul Hassan, advocate has appeared on behalf of the petitioner and stated that transfer of the petitioner has been made with mala fide intention. He further states that there is no complaint against the petitioner and he was working efficiently and diligently. He, therefore, request that the transfer order of the petitioner may be vacated / suspended.

We have heard the learned counsel at some length and have also perused the record.

It is noted that the petitioner has challenged his transfer order alleging that the same has been made with mala fide intention. The counsel was asked to satisfy the Court as to how the instant petition against transfer order is maintainable, to which he stated that the petitioner is being victimized due to some departmental issues and with mala fide intention. 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 the 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 is detected. 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. Moreover it is not only the petitioner who has been transferred but a number of other persons also who have been transferred through the same order, which is a normal routine and falls under the ambit of terms of service. Since transfer is a part of terms of service, therefore, we do not see any illegality in the transfer order, hence this petition is found to be wholly misconceived and is, accordingly, dismissed in limine alongwith the listed applications.

JUDGE

JUDGE