

# IN THE HIGH COURT OF SINDH AT KARACHI

Present:  
**Muhammad Junaid Ghaffar, J.**  
**Agha Faisal, J.**

C P D 671 of 2022 : Zakir Hussain Radhan vs.  
Province of Sindh & Others

For the Petitioner : Mr. Ghulam Sarwar Chandio, Advocate

For the Respondent : Mr. Muhammad Naeem Memon, Advocate

Mr. Ali Safdar Depar,  
Assistant Advocate General

Date/s of hearing : 14.11.2022

Date of announcement : 14.11.2022

## ORDER

**Agha Faisal, J.** The petitioner, serving in BS-20, has assailed a notification issued by the Government of Sindh Services, General Administration and Coordination Department dated 20.01.2022 (“Impugned Notification”), whereby he was transferred out and the respondent no 4 was posted. On the first date of hearing *ad interim* orders were obtained, suspending the Impugned Notification, that subsist till date.

2. The primary argument articulated by the petitioner’s counsel was that since the petitioner was retiring soon, therefore, he ought not to have been transferred from the post of Regional Director Local Government Karachi to the Local Government & Housing Town Planning Department. Although an allegation of frequent transfers was pleaded in the memorandum of petition, the same was uncorroborated and altogether abjured in the arguments articulated before us.

3. The learned Assistant Advocate General submitted that no vested right could be claimed by any incumbent in respect of transfer / postings, as the same was squarely within the domain of the executive per section 10 of the Civil Servants Act 1973. It was added that a temporary additional charge was given to the respondent no 4, however, the same has not been acted upon in view of the *ad interim* orders obtained herein. It was added that the assignment of the respondent no 4 was always intended to be a stop gap /

temporary measure, however, under no circumstances could the same be construed to confer any right upon the petitioner to defy lawful transfer orders.

The counsel for the respondent no 4 reiterated the arguments articulated by the learned Assistant Advocate General and supplemented that the petitioner, in the relevant posting solely by virtue of *ad interim* orders, is abusing the equity shown thereto by this Court and initiating unlawful coercive proceedings against the respondent no 4, manifest from the letter dated 28.09.2022, issued during the pendency hereof, placed on record.

4. Heard and perused. *Admittedly* this is not a *quo warranto* petition as the petitioner is *prima facie* concerned with seeking relief for himself.

5. The basic grievance of the petitioner is having been transferred from the post of Regional Director Local Government Karachi and nothing has been brought before us to impeach such transfer orders. The petitioner's counsel has remained unable to assist us with any law that would preclude a transfer, in the relevant facts and circumstances, in the event that superannuation was forthcoming in the following years.

6. In so far as the assignment of the temporary charge to the respondent no 4 is concerned, the tenability thereof or otherwise could not be construed to confer any benefit upon the petitioner. Since this is not a *quo warranto* petition with respect to the respondent no 4, and even otherwise the relevant office has not been held by him till date, no dilation in such regard is merited presently.

7. The petitioner has failed to set forth any case for his retention of the post of Regional Director Local Government Karachi till retirement. No infirmity, jurisdictional or otherwise, could be demonstrated with respect to the Impugned Notification. In view hereof, we find this petition to be misconceived and even otherwise devoid of merit, hence, the same, along with pending application/s, was dismissed vide our short order announced in Court at the conclusion of the hearing earlier today. These are the reasons for our short order.

JUDGE

JUDGE