

HIGH COURT OF SINDH, CIRCUIT COURT AT HYDERABAD

CP No.D-3161 of 2022

[Mir Manzoor Hussain Talpur versus Province of Sindh & Ors]

Date	Order with signature of Judge(s)
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Before:

Mr. Justice Muhammad Junaid Ghaffar

Mr. Justice Adnan-ul-Karim Memon

Petitioner: Through Syed Shahzad Ali Shah advocate

Respondents: Through Mr. Rafique Ahmed Dahri, Assistant A.G

Date of hearing: 31.05.2023

Date of Order: 31.05.2023

ORDER

Muhammad Junaid Ghaffar, J: Through this petition the petitioner has impugned his transfer order dated 28.09.2022 on the ground that it is illegal and unlawful; hence, liable to be set aside. Learned Counsel for the petitioner submits that the petitioner is being continuously transferred from time to time, which according to him, is against the law as well as rules, and therefore, the impugned transfer order, whereby the petitioner has been once again transferred, is liable to be set aside.

2. On the other hand, learned Assistant A.G Sindh has referred to comments and submits that it is not a vested right of the petitioner/civil servant to seek posting of his choice as in terms of Section 10 of the Civil Servants Act, 1973 ("Act") he can be posted at any place. He has further argued that the posting of the Petitioner on the post in question was otherwise an ad-hoc and internal arrangement as he is otherwise not qualified to hold that said post, and now stands transferred to his parent department.

3. Heard learned counsel for the petitioner and learned AAG and perused the record.

4. Perusal of the record reflects that through impugned order one Nisar Ahmed Rahpoto has been posted as Administrator Town Committee Talhar District Badin in place of the petitioner, whereas the petitioner has been transferred and directed to report to his parent Council. Surprisingly, the said person has not been joined by the Petitioner as a respondent, and therefore, even otherwise, ordinarily, no adverse order can be passed against his posting. Moreover, in the comments it has been stated that though the petitioner was posted on such place, however, he is a non-SCUG officer of the Local Government Department, whereas the post of

Administrator in the respective Union Councils of Sindh is an honorary post. It is further stated that due to exigency and on administrative ground he was permitted to continue to work as Administrator Town Committee Talhar District Badin and now he has been repatriated to his parent Department. The facts and circumstances of the case and the orders placed on record does not establish that the Petitioner is being transferred for any personal grudge; rather the same has been done within the mandate of law, as the Petitioner does not hold such requisite qualification and has only been send to his parent department and the argument that he is being frequently transferred without any justification is meritless.

5. The petitioner as stated is a BPS-18 Non SCUG (Sindh Council Unified Grade) officer of the Sindh Local Government Department, and is though not a Civil Servant under the Act; however, is bound to serve anywhere within the Province on any post. There isn't any concept of a vested right in posting of a Government Servant who can be posted anywhere and cannot demand or seek posting or transfer at a place of his choice. As to the argument that he is being transferred frequently, as noted above no case for an exception is made out to exercise any discretion in our Constitutional jurisdiction.

6. Accordingly, petition being misconceived was dismissed by means of a short order in the earlier part of the day and these are the reasons thereof.

JUDGE

JUDGE

Sajjad Ali Jessar