

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.D-5236 of 2023

Date

Order with signature of Judge

FRESH CASE:

1. For order on CMA No.25758/2023 (Urgent).
2. For order on office objections No.5 & 19.
3. For order on CMA No.24044/2023 (Exemption).
4. For order on CMA No.24045/2023 (Stay).
5. For hearing of main case.

Dated: 24th November 2023

Mr. Abdul Salam Memon alongwith Ms. Rabya Javed,
Advocate for Petitioner.

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1. Urgency granted.
2. Learned counsel for the petitioners undertakes to comply with office objections before the next date of hearing.

3. Exemption granted subject to all just exceptions.

4&5. Through instant Constitutional Petition, the petitioner Wasiullah Bhatti, who is presently posted and working as Assistant Director, Federal Investigation Agency, Karachi, has expressed his grievance against his transfer from Karachi to Balochistan (Quetta) for six months vide Office Order No.189/2023, dated 19.10.2023 on the ground that as per rotation policy petitioner has already served for one year in Quetta pursuant to Office Order No.51/2021 dated 21.05.2021, which is in violation of Wedlock Policy as prescribed in ESTA Code (Edition-2021), as according to learned counsel for the petitioner, the wife of petitioner, namely, Faiza Soomro is presently posted at Govt. Khursheed Begum Girls College, Hyderabad as Assistant Professor in Education Department. According to learned counsel for the petitioner, the transfer/posting of the petitioner is even otherwise is based on malafide. Per learned counsel, petitioner was earlier transferred to Mirpurkhas vide Office Order dated 33/2023 dated 13.02.2023, but all

of a sudden, petitioner was again transferred to Balochistan. Per learned counsel, such transfer/posting of the petitioner is in violation of the judgment of the superior Courts. It has been further contended by the learned counsel that petitioner has made a representation on 23.10.2023 to the Additional Director General (South), F.I.A, Karachi while intimating such violation, however no order has been passed thereon, therefore, the petitioner has no other efficacious remedy, but to approach this Court by invoking the Constitutional jurisdiction under Article 199 of the Constitution of Islamic Republic of Pakistan, whereas, the petitioner is seeking enforcement of the implementation of the aforesaid Wedlock Policy, therefore, there is no bar in terms of Article 212 of the Constitution in the instant matter. In support of his contentions, learned counsel for the petitioner has placed reliance on the cases of **MRS. ZEENAT AHMED v. FEDERATION OF PAKISTAN through Secretary Defence and 2 others** [2014 PLC (C.S) 1032] and **MUHAMMAD KHALID MEHMOOD v. DIRECTOR-GENERAL POSTAL SEREVICES, ISLAMABAD and 4 others** [2014 PLC (C.S) 1045.

Let pre-admission notice be issued to the respondents as well as to the D.A.G, to be served through first three modes, for **11.12.2023**, when comments/reply, if any, shall be filed with advance copy to the petitioner. In the meanwhile, the status quo shall be maintained in respect of the petitioner pursuant to the aforesaid impugned office order.

ACTING CHIEF JUSTICE

J U D G E