

**ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.**

C.P. No.D-652 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objections.
For hearing of M.A. No.3208/2023.
For hearing of main case.

21-09-2023

Mr. Irfan Ahmed Qureshi advocate for the petitioner.
Mr. Mumtaz Alam Leghari advocate for ZTBL.
Mr. Shamas Din Rajper Deputy Attorney General.
Mr. Rafiq Ahmed Dahri Assistant Advocate General.

The petitioner seeks a restraining order that his transfer order dated 06.04.2023, impugned in this petition, is unlawful as he is at the verge of his retirement. He claims his retirement is due on 23.11.2023 hence, submits that under recruitment rules of ZTBL (Human Resource Manual 2012) his transfer and posting is governed thereunder which does not permit the employer to transfer him at the verge of his retirement.

We have heard learned counsel for the parties and perused material available on record. The Human Resource Manual 2012 of ZTBL authorizes an employer to transfer the employees as required under the Manual identified above however, it has some exceptions under Rule 3.7 which says that the exceptions are only with relation to officers/executives having one year left in reaching age of superannuation and will only be eligible for posting in the Zone of their Domicile/choice at their options subject to availability of the post. This criteria was set in terms of Circular No.HRD/22/2009, dated 01.07.2009.

We have perused the Office Memorandum which is impugned in this petition. He is presently posted as VP/Officer (Operations), Zonal Office, ZTBL, Hyderabad and is being transferred and posted as AM (Operations) in ZTBL, Matli Branch, "Hyderabad Zone". Thus we are of the view if the "domiciled zone" is not being changed then such transfer is permissible even at the verge of

retirement under ZTBL Human Resource Manual 2012 however, if domiciled zone is be being changed by virtue of transfer, this would come in conflict with the exceptions provided under 3.7 of Human Resource Manual. We thus conclude that Human Resource Manual permits transfer and posting at the verge of retirement to a similar zone that employee as identified domiciled/choice through option. He is presently in Hyderabad Zone and any transfer within such Zone would not violate the Manual, as is in this case. With this understanding of law, the petition stands disposed of.

JUDGE

JUDGE

Irfan Ali