

IN THE HIGH COURT OF SINDH AT KARACHI

Suit 974 of 2020 : Syed Irshad Ali Shah
vs. Directorate of Intelligence and
Investigation & Others

For the Plaintiff/s : Mr. Khawaja Saiful Islam for Khawaja
Shamsul Islam, Advocate

For the Defendants/s : Mr. Sarmad Hani, Advocate
Mr. Khalid Rajpar, Advocate

Ms. Alizeh Bashir,
Assistant Attorney General of Pakistan

Date/s of hearing : 07.10.2024

Date of announcement : 07.10.2024

ORDER

Agha Faisal, J. The plaintiff, *admittedly* a civil servant serving in the Federal Board of Revenue, has essentially challenged his transfer orders vide this suit. Earlier another suit filed by the same plaintiff in similar circumstances has already been determined, being Suit No. 720 of 2024.

The plaintiff's learned counsel was confronted of maintainability *inter alia* as to how a matter pertaining to terms and conditions of service of civil servants may be agitated in a civil suit; in view of the bar contained in Article 212 of the Constitution as appreciated by the Supreme Court in *Ali Azhar Baloch*¹, however, he remained unable to do so.

This court has determined a similar matter, *Nasser Janjua*², and in *mutatis mutandis* application of the reasoning and rationale assigned therein it is observed that the grievance of the plaintiff could not be adjudicated in a civil suit; in view of the bar contained in Article 212 of the Constitution, as interpreted by the Supreme Court from time to time; including in *Ali Azhar Baloch*³. Therefore, the plaint is hereby rejected per Order VII rule 11(d) CPC⁴

Judge

¹ Per Amir Hani Muslim J in *Ali Azhar Khan Baloch vs. Province of Sindh* reported as 2015 SCMR 456; reference is also made to *Contempt Proceedings against Chief Secretary Sindh* reported as 2013 SCMR 1752.

² *Muhammad Nasser Janjua & Others vs. Federation of Pakistan & Others (Suit -1049 of 2024)-order dated 08.08.2024*

³ Per Amir Hani Muslim J in *Ali Azhar Khan Baloch vs. Province of Sindh* reported as 2015 SCMR 456; reference is also made to *Contempt Proceedings against Chief Secretary Sindh* reported as 2013 SCMR 1752.

⁴ 11.Rejection of plaint. The plaint shall be rejected in the following cases

...

(d) where the suit appears from the statement in the plaint to be barred by any law.