

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA ³³
C.P. No.D-1141 of 2016.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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For orders on maintainability.

30.11.2016.

Mr. Abdul Rehman Bhutto, advocate for the petitioner.

Mr. Niaz Ahmed M. Shaikh, advocate files power on behalf of respondents No.2 to 4.

Mr. Safdar Ali Bhutto, advocate files power on behalf of respondent No.5.

The petitioner who is serving as AVP/Manager, ZTBL Miro Khan Branch Larkana Zone has impugned the office memorandum dated 10th October 2016 whereby respondent No.5, namely, Abdul Ghafoor Shaikh, AVP/In-charge CAD ZTBL Dokri Branch, Larkana Zone has been transferred and posted at the place of petitioner, while the petitioner has been placed at the disposal of Zonal Chief, ZTBL Larkana.

Mr. Abdul Rehman Bhutto, learned counsel for the petitioner submits that the respondent No.5 was found involved in making heavy cash transactions into his personal account when he was posted as MCO, Miro Khan Branch, hence vide letter dated 22nd August 2006 explanation was called from him by the then V.P. (ACU) ZTBL and thereafter vide office memorandum dated 16.09.2006, he was transferred and placed at the disposal of Zonal Chief, ZTBL, Mirpurkhas with direction that he would not be assigned any field operation duty in future and be posted on desk job. Learned counsel further submits that it is case of the petitioner that the irregularities committed by the respondent No.5 amounted to corruption and malpractice; therefore, he should have not been assigned any operational duties, hence the impugned office memorandum whereby the respondent No.5 has been posted at the place of petitioner being result of undue influence, is liable to be set aside.

On the other hand Mr. Niaz Ahmed M. Shaikh, learned counsel for respondents No.2 to 4 has fully supported the impugned office memorandum and has further submitted that the action was taken against the respondent No.5 in the year 2006 when it came into the knowledge of ZTBL Authorities that some cash transactions have been made by him in his personal account and therefore at that time when he was serving as MCO Mirokhan hence he was transferred and his services were placed at the

disposal of the then Zonal Chief, ZTBL but since his service record was found satisfactory he was subsequently not only promoted but also posted at superior posts and now he has been transferred at the place of petitioner as AVP/Manager ZTBL, Mirokhan Branch.

Mr. Safdar Ali Bhutto, learned counsel for respondent No.5 has contended that the respondent No.5 is commanding good reputation in the department because of his clear service record, he was also promoted, and at no point of time the allegation came into the way of respondent No.5 in his subsequent transfers, postings and promotions. He added that the petitioner has no legal right or moral authority to challenge the orders of his superiors by leveling baseless allegations against them as well as against the respondent No.5.

It appears that the petitioner has challenged ^{the} impugned office memorandum solely on the ground that a person having blemish service record has been assigned operational duties of Manager by disturbing the petitioner without any justification. The petitioner in support of his contention has failed to produce any material establishing that under the enquiry allegedly conducted against the respondent No.5 in the year 2006, the respondent No.5 was held guilty and awarded punishment. It is an admitted fact that in the year 2006, the respondent No.5 was serving as MCO, Mirokhan Branch when allegedly some irregularities were observed, however, later on he was promoted as AVP, ZTBL and, as such, he has been posted under impugned office memorandum at the place of petitioner as Manager, ZTBL, Mirokhan Branch. The petitioner has failed to point out any illegality or violation of any statutory provision of respondent Bank in issuing impugned Office Memorandum. This petition is therefore, being devoid of merits rather frivolous is dismissed with the cost of Rs.10,000/- which shall be deposited by the petitioner within fifteen days hereof in the account of Maintenance & Installation of CCTV Cameras of this High Court Building. In case the cost is not paid by the petitioner within stipulated period, the office is directed to fix the matter for further orders.