

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
MIRPURKHAS**

C.P. No.D-1334 of 2024
[Naeema Khan vs. Federation of Pakistan & others]

BEFORE:

JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE RIAZAT ALI SAHAR.

Mr. Kanji Mal Meghwar, Advocate for the petitioner.

Mr. Muhammad Sabir Hussain, Deputy Attorney General for Pakistan, along with Abdul Hafeez DD Legal on behalf of respondents No.2 & 3

Mr. Ayaz Ali Rajpar, Assistant Advocate General Sindhalong with, Muhammad Iqbal Kumbhar DSE (ES&HS) Mirpurkhas.

Date of hearing& decision: 10.12.2025.

ORDER

ADNAN-UL-KARIM MEMON, J- The petitioner seeks:

- i. Issuance of NOC and permanent absorption/transfer from Federal Directorate of Education, Islamabad, to the Schools Education & Literacy Department, Sindh, at her husband's station in Mirpurkhas.
- ii. Directions not to relieve her from her current posting until the petition is decided.
- iii. Declaration of entitlement to absorption under relevant laws and policies.
- iv. Any other relief deemed appropriate by the Court.

2. The case of the petitioner is that she was initially appointed in 2008 as a Junior Lady School Teacher at Federal Directorate of Education, Islamabad, through Federal Public Service Commission, and was later upgraded to Senior School Teacher [BPS-17]. In 2011, the petitioner married Salahuddin Shaikh, an Assistant District Public Prosecutor [BPS-17] posted at District Public Prosecutor's Office, Mirpurkhas, Sindh. Following her marriage, the petitioner was transferred on deputation to Mirpurkhas under the federal "wedlock policy" for various tenures and later repatriated to Islamabad, currently serving at Government Girls High School Bhansingabad, Mirpurkhas. On 27-10-2022, she was again transferred to Mirpurkhas for one year on deputation as Senior Teacher [BPS-17], effective 17-11-2022 to 16-11-2023. Before completing this deputation period, the petitioner applied for permanent transfer/absorption under the wedlock policy, obtaining No Objection Certificate (NOC) from the Director of Schools Education, Mirpurkhas. The application was forwarded to Respondent No. 5, who refused her permanent transfer, issuing NOC only for deputation. Subsequently, the Establishment Division extended her deputation for one more year until 16-11-2024, without considering her wedlock policy request. The petitioner has three minor children, all studying in Mirpurkhas. Her separation from her

husband due to different postings is causing hardship, violating the protection guaranteed under Article 35 of the Constitution of Pakistan, 1973. The petitioner also invokes “The Protection of Family Life and Wedlock Policy Act, 2023”, the Sindh Civil Servants (Regularization of Absorption) Act, 2011, and the Civil Establishment Code (ESTA Code), all of which entitle her to absorption/transfer to Sindh, at her husband’s place of posting. Despite repeated applications, including one in July 2024 for an extension of deputation, her requests remain pending with Respondents 5 & 6. She prayed to allow this Petition.

3. Respondent No.5 submits that the petitioner’s service is with Federal Government, and permanent absorption in Sindh merits no consideration under settled law; that decisions of this Court establish that federal employees cannot be absorbed by provincial departments except under specific exceptions. He prayed to dismiss the petition.

4. Respondent No.3 has no objection if the petitioner is permanently absorbed by the Sindh Education & Literacy Department, provided legal requirements are met.

5. In the case of *Mubashir Iqbal Zafar v. Ministry of Defence through its Secretary, Pak Secretariat-II, Saddar, Rawalpindi and others* (CPLA No. 4701 of 2024), the Supreme Court, in its judgment dated 04.12.2025, held that the Wedlock Policy, established through a series of office memorandums since 1998, is intended to alleviate socio-economic hardships faced by married government employees and unmarried female employees. The policy gives priority to medical conditions and family welfare, ensuring that spouses remain together unless there is compelling public interest reason otherwise. It creates a legitimate expectation, fostering family stability and supporting women’s participation in public service, in line with Articles 34 and 35 of the Constitution. The Supreme Court observed that the petitioner’s transfer order was routine and issued without specific justification, despite medical evidence and prior representations. The government’s claim that the petitioner had previously benefitted from the policy was deemed insufficient. The State is obliged to implement such policies fairly, reasonably, and consistently, balancing administrative needs with the welfare of employees and their families. Ignoring the policy undermines its purpose of protecting marriage and family life. Accordingly, the Supreme Court converted the CPLA into an appeal and allowed it, set aside the judgment of Federal Service Tribunal, and quashed the transfer order dated 08.02.2021 to the extent of petitioner. The petitioner was permitted to continue serving at Tehsil Abdul Hakim, District Sahiwal, in accordance with the Wedlock Policy.

6. In light of the Supreme Court’s judgment in *Mubashir Iqbal Zafar v. Ministry of Defence* (CPLA No. 4701 of 2024), it is now well settled law that the Wedlock Policy is a binding directive of the State intended to protect family life, ensure the welfare of married government employees, and prioritize medical and domestic considerations. The Supreme Court recognized that transfers issued routinely, without considering the

hardship on spouses and family, violate the purpose of this policy. Applying the principles of this judgment to the petitioner's case, the petitioner, married to a government employee in Mirpurkhas, with three minor children, is entitled to permanent transfer/absorption under the Wedlock Policy to the same station where her husband is posted. Routine or administrative reasons alone cannot justify ignoring the policy, especially where separation causes genuine hardship to the family and children. Respondents are obliged to implement the policy fairly, reasonably, and in accordance with its objectives, ensuring the welfare of the petitioner and her family. Consequently, the petitioner's application for permanent absorption/transfer to Mirpurkhas needs to be allowed, and she should continue to serve at her current station until such transfer/absorption is formalized by the Sindh Government as per policy and law discussed supra. The Petition is allowed in the above terms.

JUDGE

JUDGE

Karar_Hussain/PS*