

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No. D-2730 of 2026
[Rajab Uddin Gugo v. Federation of Pakistan and others]

Date	Order with signature of Judge(s)
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Before:
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Zulfiqar Ali Sangi

Date of hearing and Order: 06.05.2026

Mr. Ali Asadullah Bullo, advocate for the petitioner.

ORDER

Adnan-ul-Karim Memon, J. The petitioner has filed this petition under Article 199 of the Constitution of Islamic Republic of Pakistan 1973 seeking following relief(s):-

i. Declare the impugned Notification dated: 28-04-2026 is illegal, violative of the dicta laid down by the Hon'ble Supreme Court of Pakistan reported as 2013 SCMR 1752 and 2015 SCMR 456 and set aside the same.

ii. That Restrain the Respondents from taking any coercive action against the Petitioner, and should conduct themselves strictly in accordance with law.

iii. Any other relief(s) this Hon'ble Court may deem fit in the given circumstances and in the great interest of justice.

2. The learned counsel for the Petitioner submits that the Petitioner is a permanent employee serving as Biochemist BS-16 in the Marine Fisheries Department, with only two sanctioned posts of Biochemist in the entire establishment, one of which is held by the Petitioner and the other by one Mr. Abdul Salam Mehi. It is contended that in Constitution Petition No. 6684/2022, another employee, Hina Imran (Senior Research Assistant BS-12), sought promotion to BS-16, which was earlier governed by the Appointment, Promotion and Transfer Rules, 2005. The said Rules were subsequently replaced by the Rules of 2022, allegedly omitting her promotional channel. This Court, through order dated 01.09.2025, directed consideration of her promotion under the old Rules of 2005, and later, vide order dated 21.04.2026, discarded the compliance report and directed implementation of the Court's earlier order in its true spirit. It is further submitted that instead of complying with the said directions in accordance with law, the Respondents, acting mala fide and with ulterior motive to circumvent the Court's order and avoid contempt proceedings, issued the impugned notification dated 28.04.2026, whereby the Petitioner was transferred on deputation for three years to Korangi Fish Harbour Authority. Learned counsel contends that such deputation is unlawful, arbitrary, and without lawful authority, as no corresponding vacant post of Biochemist BS-16 exists in the said organization. The impugned action is stated to be retaliatory in nature, particularly

as the Petitioner had earlier challenged the authority of Respondent No. 3 in separate proceedings under the writ of quo warranto. It is argued that the impugned deputation has no legal basis, is in violation of settled principles laid down by the Hon'ble Supreme Court of Pakistan, and amounts to misuse of authority, discrimination, and colourable exercise of power, offending Articles 4 and 25 of the Constitution. In view of the above, it is prayed that the impugned notification dated 28.04.2026 be declared illegal, without lawful authority and of no legal effect, and that the Respondents be restrained from taking any coercive action against the Petitioner.

3. We have heard the learned counsel for the petitioner on the maintainability of the petition and examined the available record

4. This Court is of the considered view that the present constitutional petition is not maintainable and is liable to be dismissed in limine for the reasons that the impugned notification relates to the transfer/deputation of the Petitioner, which falls within the domain of administrative/executive authority of the competent department. It is well-settled that matters of transfer and deputation are generally within the exclusive discretion of the employer, unless shown to be without jurisdiction, mala fide in the strict legal sense, or in violation of any statutory provision. No such legal infirmity has been demonstrated in the present case. Besides the Petitioner has not been able to point out any vested right to remain posted at a particular place or to resist deputation per se. Transfer on deputation does not, in law, amount to punishment or civil rights deprivation unless it is shown to be punitive or stigmatic in nature, which is not the case here.

5. So far as the plea of mala fide has been raised in a vague and generalized manner without impleading the specific persons against whom such allegations are levelled, nor has any cogent material been placed on record to substantiate such serious allegations. It is trite that mala fide must be pleaded with full particulars and proved with strict standard, which is absent in the present matter.

6. The contention that no vacant post exists at the borrowing department pertains to factual determination requiring evidence, which cannot appropriately be adjudicated in constitutional jurisdiction, particularly when disputed questions of fact are involved. The reliance on earlier proceedings in Constitution Petition No. 6684/2022 concerning another employee is misplaced, as the said litigation pertains to a different individual and distinct cause of action. Any directions passed therein cannot be interpreted to confer enforceable rights upon the Petitioner in the present case.

7. Prima facie, no violation of any statutory rule or constitutional guarantee, including Articles 4 or 25 of the Constitution, has been prima facie established so as to warrant interference in the exercise of constitutional/judicial discretion.

8. In view of the above, prima facie the impugned notification does not suffer from any jurisdictional defect, illegality, or constitutional infirmity.

9. Accordingly, the petition along with pending application(s) is dismissed in limine being devoid of merit.

10. These are the reasons of our short order of even date.

JUDGE

Shahzad Soomro

JUDGE