

ORDER SHEET
THE HIGH COURT OF SINDH KARACHI

C.P. No. D – 2438 of 2026
[Muhammad Akram Bhutto v. FOP & others]

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Hasan (Akber)

Date of hearing and order:-18-05-2026

Mr. Talha Abbasi, Advocate for the Petitioner.
Mr. Khurram Mahmood Qureshi, Advocate for the Respondents
No.2 to 4 alongwith Mr. Mujahid Khan, DD (Legal), BISP.
Mr. Ghulam Akbar Khan, Assistant Attorney General.

ORDER

Adnan-ul-Karim Memon, J Petitioner, Muhammad Akram Bhutto, has filed this Constitutional Petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 seeking following relief(s):

- “i. Declare the impugned Notification dated 11.02.2026 issued by the Respondent No.3 as null and void, without lawful authority and to set aside the same;*
- ii. Direct the Respondents to allow the Petitioner to continue him as Director (SPS-19), BISP Central Zone Sindh Region, Karachi, in accordance with the Wedlock Policy;*
- iii. Restrain the Respondents, their officers, agents or anyone acting on their behalf from relieving the Petitioner from BISP Sindh or from taking any adverse/coercive action against him till the final adjudication of this petition;*
- iv. Grant costs of this petition;*
- v. Grant any other/ further/additional reliefs) as this Court may deem proper in the circumstances of the case.”*

2. Petitioner, Muhammad Akram Bhutto, has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking a declaration that the impugned Notification dated 11.02.2026, whereby he was repatriated to the Establishment Division from the post of Director (SPS-19), BISP Sindh Region, Karachi, is illegal, without lawful authority, and liable to be set aside. He has further sought directions to allow him to continue at his present posting under the Wedlock Policy and to restrain the Respondents from taking any adverse action against him.

3. Learned counsel for the Petitioner submits that the Petitioner, a BS-19 officer of the Secretariat Group, was posted in Karachi under the Wedlock Policy as his spouse, a PAS officer, is also serving in Karachi and their minor daughters

are studying there. It is contended that the impugned notification has been issued arbitrarily, without assigning any compelling reason, without notice, and in violation of the principles of natural justice, the Wedlock Policy, and the petitioner's fundamental rights guaranteed under Articles 10-A, 25, and 35 of the Constitution. Counsel further submits that although deputation may not create a vested right, the petitioner had a legitimate expectation arising out of his posting under the Wedlock Policy. It is also argued that since the petitioner is serving on deputation, the bar contained under Article 212 of the Constitution is not attracted.

4. Conversely, learned counsel for the Respondents has objected that the petition is not maintainable under Article 199 of the Constitution as the service regulations of BISP are non-statutory in nature. It is further submitted that the Wedlock Policy has already been diluted by recent pronouncements of the Hon'ble Federal Constitutional Court. In support thereof, reliance has been placed upon the case of *Benazir Income Support Program versus Shafullah Khan and others* (FCPLA No.446 to 450 of 2025), wherein it was held that petitions under Article 199 against BISP service matters are not maintainable due to the non-statutory character of its service regulations.

5. At this stage, when confronted with the aforesaid legal position, learned counsel for the Petitioner submits that the matter may be remitted to the competent authority for reconsideration of the petitioner's case in accordance with law, with the request that the remarks made by the Respondents may not prejudice the petitioner. Learned counsel for the Respondents has no objection if the matter is remanded for fresh consideration by the competent authority within a stipulated period.

6. We have heard learned counsel for the parties and perused the available record.

7. It appears that the principal grievance of the Petitioner arises out of his repatriation from BISP Sindh Region, Karachi, allegedly in violation of the Wedlock Policy. However, the maintainability of the instant petition has been seriously disputed by the Respondents on the ground that the service regulations governing the employees/officers of BISP are non-statutory in nature and, therefore, do not attract constitutional jurisdiction under Article 199 of the Constitution.

8. It is noted that the Hon'ble Federal Constitutional Court, in the case of *Benazir Income Support Program versus Shafullah Khan and others* (FCPLA No.446 to 450 of 2025), has categorically held that the service regulations of BISP are non-statutory and, consequently, constitutional petitions pertaining to

service disputes of BISP employees are not maintainable under Article 199 of the Constitution. The said pronouncement has materially altered the legal position governing such service matters and is binding upon this Court.

9. So far as the reliance placed by the Petitioner upon the Wedlock Policy is concerned, there can be no cavil with the proposition that such policy guidelines are intended to facilitate family cohesion and administrative convenience; however, the same do not confer an indefeasible or vested right to remain posted at a particular station. Transfer and repatriation are incidents of service and fall within the domain of the competent authority, particularly in cases of deputation. The Petitioner, admittedly being on deputation, cannot claim continuation at a specific place of posting as a matter of right, especially when the policy itself is subject to administrative exigencies and public interest. Furthermore, in view of the recent pronouncements of the Hon'ble Federal Constitutional Court, the scope and enforceability of the Wedlock Policy have also been considerably restricted.

10. At this juncture, when confronted with the above legal impediments, learned counsel for the Petitioner has fairly requested that the matter be remitted to the competent authority for reconsideration of the Petitioner's grievance in accordance with law. Learned counsel for the Respondents has also expressed no objection to such a course.

11. Accordingly, without expressing any opinion on the merits of the controversy, the matter is remitted to the competent authority to reconsider and decide the case of the Petitioner afresh, strictly in accordance with law and applicable policy, within a period of three weeks. It is further observed that any remarks made in the comments filed by the Respondents shall not prejudice the Petitioner and shall not influence the competent authority while deciding the matter on its own merits.

12. The petition, along with pending application(s) stands disposed of in the above terms.

JUDGE

JUDGE