

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P No.D-6310 of 2025
(Abdul Hameed Suhag v. Province of Sindh and others)

Date	Order With Signature Of Judge
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Present

Mr. Justice Adnal-ul-Karim Memon
Mr. Justice Abdul Mobeen Lakho

Date of hearing and orders 23-01-2026

Mr. Ali Asadullah Bullo, Advocate for the Petitioner.
Mr. Mehran Khan, A.A.G.
Mr. Adnan Noor, advocate for respondent No.4.

ORDER

Adnal-ul-Karim Memon, J:- Petitioner prayed to pass judgment and orders in the following terms:

1. *Declare the impugned office order dated 26.11.2025 issued by the respondent No.2 as illegal, violative of the Sindh Local Government Act 2013 set aside the same.*
2. *Direct the respondents not to transfer and post the petitioner prematurely and frequently except in public exigency and in accordance with law.*
3. *Restrain the respondents from taking any coercive action against the petitioner and should conduct themselves strictly in accordance with law.*

2. The case of the Petitioner is that he was appointed in 2012 through a competitive process and served in various Town Municipal Committees across Sindh. In 2016, he was terminated without due process, which was challenged before this Hon'ble Court and the Supreme Court. His services were restored by judgment dated 14.12.2023 (CP Nos. D-7401–7410/2021 & CP D-75/2022), with reinstatement notifications issued on 02.05.2023. Despite compliance with court directions, he faced repeated transfers, including the impugned order dated 20.11.2025, without public exigency, replacing him with a junior officer violating Section 121(5) of the Sindh Local Government Act, 2013. These actions are malafide, arbitrary, and discriminatory, breaching Articles 4, 9, 18, and 25 of the Constitution.

3. The counsel for the Petitioner submits that petitioner has no other adequate remedy and seeks constitutional relief declaring the transfer void, reinstatement in his lawful position, and payment of all due service benefits.

4. The counsel for Respondent No. 4 submits that Council Resolution No. 110 dated 02.12.2025 recommends that the petitioner continue as Municipal Commissioner, Gulberg Town, for the remaining 1.5 years or until elections, and has requested the Secretary Local Government Board to withdraw the orders against him.

5. Learned AAG objects, stating that transfer and posting are not vested rights, and prays for dismissal.

6. In view of the unanimous Council Resolution No. 110 dated 02.12.2025, which acknowledges the Petitioner's competence, familiarity with the locality, and ongoing role in critical public projects, it is evident that retaining the Petitioner in his position serves the public interest. The Resolution recommends that the Petitioner continue in his current post for the remainder of the tenure or until elections are held, and requests the Government to withdraw the impugned transfer orders.

7. Accordingly, in law and equity, *prima facie*, the impugned transfer dated 20.11.2025 is not in the public interest. The Council's considered recommendation provides a legitimate and rational basis for the Petitioner's retention in office. Since a competent authority has recommended retaining the petitioner, the Government shall reconsider its decision and pass a speaking order within two weeks. Until then, the impugned order shall not be implemented.

8. The petition is disposed of in these terms along with pending applications.

JUDGE

JUDGE

Shahzad Soomro