

IN THE HIGH COURT OF SINDH, KARACHI

Before:

Justice Muhammad Saleem Jessar

Justice Nisar Ahmed Bhanbhro

CP No.D-4517 of 2025

(Sania Rasool Bhutto v. the Federation of Pakistan and 3 others)

Petitioner : through M/s Ahmed Ali Ghumro and Abdul Samee, advocates

Respondent No.1 : through Ms. Zahrah Sehr Vayani, Assistant Attorney General

Respondents No.2 to 4 : through Mr. Zafar Imam, advocate

Date of hearing and order: 11.02.2026

Date of Reasons: 18.02.2026

J U D G M E N T

MUHAMMAD SALEEM JESSAR, J. Through this petition, the petitioner has sought following relief(s):

“i. To declare that the actions of the respondents in failing to comply with and implement the Wedlock Policy Notification No. 10/30/97-R.II dated 13-05-1998 issued by the competent authority whereby the petitioner transferred from the Collectorate of Customs Appraisement (East), Karachi, to the Federal Board of Revenue (HQ), Islamabad, are in clear violation of the said policy and contrary to law, hence void, illegal, arbitrary, without lawful authority and of no legal effect.

ii. Direct the Respondents to consider the case of the Petitioner strictly in accordance with the Wedlock Policy Notification No. 10/30/97-R.II dated 13-05-1998, ensuring that the Petitioner and her spouse are accommodated at the same or nearby station, in order to uphold family unity and constitutional protections under Article 35 of the Constitution of Pakistan, 1973.

iii. To suspend the operation of the impugned Notification dated: 10-09-2025 to the extent of petitioner, issued by Respondent No. 4, whereby the Petitioner has been transferred from the Collectorate of Customs Appraisement (East), Karachi, to the Federal Board of Revenue (HQ), Islamabad.

iv. To direct the Respondents to strictly implement the Wedlock Policy Notification No 10/30/97-R.11 dated 13-05-1998 and to ensure compliance with, while considering the transfer and posting of the Petitioner, so as to safeguard her statutory and constitutional rights, particularly the protection of family life guaranteed under Article 35 of the Constitution of the Islamic Republic of Pakistan, 1973.

v. To set aside the impugned Notification dated: 10-09-2025 to the extent of petitioner, issued by Respondent No. 4, whereby the Petitioner has been transferred from the Collectorate of Customs Appraisement (East), Karachi, to

the Federal Board of Revenue (HQ), Islamabad, being without lawful authority, arbitrary, discriminatory, and violative of the law, rules, policies, and the Constitution.

vi. To restrain the Respondents from pressurizing and taking any adverse action against petitioner on account of having filed the present petition, which has been instituted in good faith to safeguard her fundamental rights as enshrined under Articles 4, 9, 10-A, 25, and 35 of the Constitution of the Islamic Republic of Pakistan, 1973.

vii. To declare that the action of the Respondents in ignoring the Petitioner's prior applications and humanitarian grounds is violative of Articles 4, 9, 10-A, 25, and 35 of the Constitution of the Islamic Republic of Pakistan, 1973, and accordingly, issue appropriate writ/directions to ensure that such rights are not infringed in future."

2. Learned counsel for the petitioner submits that the petitioner has been serving as Deputy Collector (BS-18), in the Collectorate of Customs Appraisal (East) Karachi, since May 2025, however, her husband Mr. Syed Abdul Rahman, an officer of the Police Service of Pakistan, presently serving at Karachi with the Frontier Constabulary. It is contended that both being civil servants, their case squarely falls within the ambit of Wedlock Policy Notification dated 13-05-1998, which mandates that married officers be accommodated at the same or nearby stations. Despite the petitioner's prior application seeking consideration under the said policy, respondents issued notification dated 10-09-2025 (Annexure 'A', Page 25) transferring her from Karachi to the Federal Board of Revenue (HQ), Islamabad. Learned counsel submits that the impugned transfer, having been made in disregard of the Wedlock Policy and applicable service rules, is arbitrary, suffers from malice in law, and is liable to be set aside. Subsequent representation for withdrawal of the impugned notification, in accordance with the policy, has also remained unattended. Reliance is placed on judgment dated **04.12.2025** passed in **CPLA No.4701 of 2024** (*Mubashir Iqbal Zafar v. Ministry of Defence*) by the Supreme Court of Pakistan and prayed for allowing instant petition.

3. Learned Assistant Attorney General, assisted by learned counsel for the respondent/FBR, contends that the impugned transfer has been effected on administrative exigency and in the public interest, strictly in exercise of powers vested in the competent authority. It is urged that a civil servant holds no vested right to remain posted at a particular station and that transfer is an incidence of service. It is further submitted that the Wedlock Policy is directory in nature and not mandatory. The benefit thereof, according to learned counsel, is reciprocal and may equally be availed by the petitioner's spouse. Since her husband is an officer of the Police Service of Pakistan, an All Pakistan Service,

his posting to Islamabad is permissible within the service framework; thus, the petitioner's transfer to Islamabad does not offend the Wedlock Policy. Reliance is placed upon Rules 6 and 20-A of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, as well as the dictum laid down in *Ali Azhar Khan Baloch & others v. Province of Sindh & others* (2015 SCMR 56). Dismissal of the petition is accordingly prayed for.

4. Heard arguments and perused the material available on record.

5. Crux of controversy in instant writ revolves around the transfer policy of spouses would be appropriate to reproduce the wedlock / working women policy framed by the Government of Pakistan, Cabinet Secretariat, Establishment Division through notification dated 13.05.1998, which reads as under:

No. 10/30/97-R.II

Islamabad, the 13 May, 1998.

OFFICE MEMORANDUM

Subject:- POSTING OF SERVING HUSBAND / WIFE AT THE SAME STATION.

The undersigned is directed to state that Government has taken note of the socio-economic problems and hardships faced by husbands and wives in Government service due to posting at different stations of duty, and it has been decided to prescribe the following guidelines to facilitate posting of husband and wife at the same station:

- (i) Where a request is made for posting at a different station in the same department/service/cadre in which an employee is already serving, the request may be accepted subject to availability of a post in the same BPS.*
- (ii) If a request involves temporary deputation to another department, it may be processed in consultation with the concerned department, and may be accepted on the prescribed terms of deputation subject to availability of a post in the same BPS.*

- (iii) *When a request is made for permanent transfer to/absorption in another department/agency, the request may be processed in consultation with the department concerned, subject to the condition that in the event of permanent transfer, seniority shall be determined in accordance with Rule 4 of the Civil Servants (Seniority) Rules, 1993.*
 - (iv) *If there is a tie between two or more Government servants for posting at the same station in the same department/unit of an organization, the Government servant with greater length of service may be preferred.*
 - (v) *Request for posting by a spouse facing serious medical problems may be accorded highest priority.*
 - (vi) *Spouses already posted at one station, including those posted on deputation beyond the prescribed maximum period, may normally not be disturbed without compelling reasons of public interest. Requests for extension of deputation period beyond the permissible limit may be considered with compassion if interests of public service would permit.*
2. *The above guide-lines are subject to the following conditions:-*
- (i) *Posting of husband and wife at the same station should not be made by dislocation of any Government servant already serving at a particular station unless his transfer is necessitated by compelling reasons of public interest or within the frame work of general policy of postings and transfers.*
 - (ii) *The prescribed selection authority should be consulted in each case.*
3. *All Government servants whose spouses are in Government service may be asked to furnish at the end of every calendar year the particulars of their spouses to their controlling Ministries/Divisions so as to facilitate maintenance of ICP Charts and upto-date monitoring of the situation.*

4. *The above guidelines may be circulated to the autonomous bodies under the charge of Ministries / Divisions for adoption, with such modifications, as may be considered necessary.*

6. Furthermore, the Federal Government devised a policy for posting place of the unmarried women through notification dated 17.12.1999, which is as follows:

No. 10/30/97-R-2, Islamabad, the 17th December, 1999

OFFICE MEMORANDUM

Subject:- POSTING OF UNMARRIED FEMALE GOVERNMENT SERVANTS AT THE PLACE OF RESIDENCE OF PARENTS/FAMILY.

The undersigned is directed to state that it has been brought to the notice of Government that unmarried female Government servants face socio-economic and security problems when they are posted at stations other than the place of residence of their parents/family. The Government has taken note of this difficulty and it has been decided to prescribe the following guidelines for dealing with requests of unmarried female Government servants for posting at the place of residence of their parents/family:

- (i) Where a request is made for posting at a different station in the same department/service/cadre in which an employee is already serving, the request may be accepted subject to availability of a post in the same BPS.*
- (ii) If a request involves temporary deputation to another department, it may be processed in consultation with the concerned department, and may be accepted on the prescribed terms of deputation subject to availability of a post in the same BPS.*
- (iii) When a request is made for permanent transfer to absorption in another department/agency, the request may be processed in consultation with the*

department concerned, subject to the condition that in the event of permanent transfer, seniority shall be determined in accordance with Rule 4 of the Civil Servants (Seniority) Rules, 1993.

(iv) If there is a tie between two or more Government servants for posting at the same station in the same department/unit of an organization, the Government servant with greater length of service may be preferred.

(v) Request for posting by an unmarried female Government servant facing serious medical problems may be accorded highest priority.

(vi) Unmarried female Government servants already posted at a station, including those posted on deputation beyond the prescribed maximum period, may normally not be disturbed without compelling reasons of public interest. Requests for extension of deputation period beyond the permissible limit may be considered with compassion if interests of public service would permit.

2. *The above guide-lines are subject to the following conditions:-*

(i) Posting of unmarried female Government servants at the station of residence of their parents/family should not be made by dislocation of any Government servant already serving at a particular station unless his transfer is necessitated by compelling reasons of public interest or within the frame work of general policy of postings and transfer.

(ii) The prescribed selection authority should be consulted in each case.

3. *It has also been decided that the above guidelines shall also be followed by Autonomous / Semi-Autonomous Bodies / Corporations etc. under the control of the Federal Government.*

7. The above policies were also followed in the subsequent notification dated 16.04.2012, which reads as under:

Islamabad, the 16th April, 2012

NOTIFICATION

S.R.O. 375, (1)/2012.--In exercise of the powers conferred by sub-section (1) of section 25 of the Civil Servants Act, 1973 (LXXI of 1973), read with Notification No. SRO 120(1)/98, dated the 27th February, 1998, the Prime Minister is pleased to direct that the following further amendment shall be made in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, namely:-

In the aforesaid Rules, in rule 20-A after sub-rule (3) the following proviso shall be inserted and shall deem to have always been so inserted, namely:-

“Provided that posting of serving husband and wife at the same station, unmarried female government servants at the place of residence of their parents/family and that of married female government servants at the place of residence/posting of their husbands who are not in government employment shall be exempted from the said rule”.

8. The Policy framework for the posting of married women, at the posting place of her husband in case he is under employment and the residential place of her husband in case he is not employed has the backing and was within the constitutional command. Article 35 of the Constitution obligated the organs of the state to protect the family rights of the individuals. It would be quite irrational and unreasonable to keep a female employee away from her family, it will amount to the punishment for no any offence. Therefore, it is imperative upon the executive authorities to ensure that while making transfer and posting of the female employees, they are not displaced from their ordinary place of abode. Though a Civil Servant under the provisions of Section 10 of the Civil Servants Act, 1973 was under an obligation to serve at the place where department / government desired, but this policy which was equally applicable to the employees of Federal Government, excluded the operation of the said provisions in posting and transfer of the female employees.

9. We have also examined the impugned notification dated 10-09-2025, whereby transfer and postings of the petitioner alongwith other officers of the Pakistan Customs Service (BS-17-20) were made.

“GOVERNMENT OF PAKISTAN
(REVENUE DIVISION)
FEDERAL BOARD OF REVENUE

Islamabad 10-09-2025

NOTIFICATION
Transfer and Posting

No.2148-C-I/2025: Transfer/Postings of the following officers of the Pakistan Customs Service (BS-17-20) are made with immediate effect and until further orders:

S.# (1)	Name (2)	From (3)	To (4)
50	Ms. Sania Rasool Bhutto (Pakistan Customs Service/BS-18)	Deputy Collector, Colectorate of Customs Appraisal (East), Karachi	Second Secretary, Federal Board of Revenue (HQ), Islamabad

2. The Officers who are drawing performance allowance prior to issuance of this notification shall continue to draw this allowance on the new place of posting except for those who are posted in FBR (HQ) Islamabad.

3. The above named officers are requested to send charge Relinquishment /Assumption to FBR immediately after Relinquishment/Assumption of charge for record and further necessary action.

Sd/-
Muhammad Moazzam Raza
2148-C-I/2025
Secretary (M/MHRC.-1)”

10. The Wedlock policy with regard to the transfer / posting, absorption of the married / unmarried daughters, wives, has also been protected by the Hon’ble Supreme Court in the case of *Mubashir Iqbal Zafar v. Ministry of Defence* vide judgment dated 04.12.2025 passed in CPLA No.4701 of 2024 wherein the Honorable Supreme Court of Pakistan while dealing with the issue of transfer permitted the petitioner to continue serving at his original station in accordance with the Wedlock Policy, the para No.7, 8 & 9 of the Judgment being relevant are reproduced for the sake of convenience:

“7. The government's common response to the Policy is the fact that a civil servant does not have an absolute right to be transferred to any specific location and that civil servants agree at the time when they are appointed that they can be transferred to any place at any time during their service and that transfer orders are issued at the discretion of the competent authority. This in our opinion is a one-dimensional approach to the question at hand. While we recognize the fact that a civil servant does not have a vested right to demand transfer to any specific location, the Policy requires that the genuine hardship faced by spouses, be considered at the time of transfer and that unless absolutely necessary, in the public interest, married couples should be given the benefit of being able to work at the same place. Similarly, a benefit has been given to unmarried female government employees that they be able to work at a station where their family resides. The Policy by design is made to remove the hardship of separation due to transfer and posting in a marriage or within a family and places a heavy burden on the State to work in a way that facilitates government employees, their marriage and family life. This means that the State must make an earnest effort to abide by its own Policy and maintain its objective. Instead, we find that the intent is the exact opposite of what the Policy sets out. Government employees who are married are expected to live apart for the duration of their service, because transfer is an incident of service, a routine and expected aspect of civil service and civil servants are expected to adjust to these requirements. They are reminded of their duty and obligation to abide by transfer orders which does not as of policy factor in the marriage or family life of the civil servant.

8. In this case, we asked the DAG repeatedly as to the reason why the Petitioner cannot continue his service at Abdul Hakim, District Khanewal given the medical issues both he and his wife face and in pursuance of the Policy. Unfortunately, there was no justifiable reason forthcoming as the transfer order was made in a routine manner with no specific or special reason assigned to transfer the Petitioner, particularly after he filed his representation seeking the benefit of the Policy on medical grounds. We are informed by the DAG that the Petitioner has been given the benefit of the Policy in 2012 where the transfer and posting of his wife vis-a-vis his own posting was considered and that he cannot continuously serve at one place. This appears to be the only reason prevailing with the government which we find is not justified given that there is no specific or special reason, in the public interest, to transfer the Petitioner. Furthermore, this request was also made by his wife who was subjected to a medical examination by a medical board which recommended that she be posted near her home town. The DAG does not deny this fact and clarified that Abdul Hakim, District Khanewal is the home town of the wife, where both she and the Petitioner have been working since 2012. In this context, we note from the arguments made by the DAG that there is no impediment with respect to the enforcement of the Policy other than the opinion of the government that the Petitioner has been given the benefit of this Policy for some time. We are of the opinion that there is no reason for the government to ignore the Policy which facilitates the very issue raised by the Petitioner. Given that the Policy has been issued by the government and has existed since 1998 for this very purpose, it is their responsibility to implement the Policy and its implementation cannot be left at the whims and mercy of the competent authority. While transfer and posting is the discretion of the competent authority it is to be made in the public interest for the benefit of all based on fairness and a lawful administrative process which reflects not only the administrative requirements of the State but also balances the needs and requirements of government employees. The

Policy is designed to guide the transfer and posting of married government employees and is grounded in public interest serving as an impartial administrative measure, that is fair, reasonable and consistent with the rights and legitimate expectation of the employees. The Policy was designed with the intent to protect the institution of marriage and the family based on the hardships faced by spouses and unmarried female employees when transferred to different places. There is nothing in the Policy that places a limitation on the timeframe within which a transfer can be maintained, rather it promotes welfare and family life as the underlying consideration while issuing transfer orders. Its implementation ensures that the State is able to function effectively and at the same time ensures that all government employees can work with dignity within the ambit of their family and marriage. As such, we find absolutely no basis in ignoring the Policy and proceeding to transfer the Petitioner in a routine manner. The transfer order dated 08.02.2021 is, therefore, against the Wedlock Policy which, being a Policy of the State, must be complied with.

9. *It goes without saying that the foundation of governance lies in the unwavering commitment to preserve and protect the welfare of the people. Every policy and administrative action must be rooted in the best interest of the public, ensuring that governance remains people centric. This is the core purpose of the State. Law and policies designed for the betterment of the people should be adhered to and not ignored on account of reasons which negate the objective of the law or policy itself."*

11. Furthermore, impugned Notification (to the extent of Petitioner) is also violative of the Article 35 of the Constitution of Islamic Republic of Pakistan, 1973 (The Constitution). The said principle of policy as enshrined in the Constitution, enjoins the State/respondents to protect the marriage, the family, the mother and the child to secure the well-being of the people. Transfer and posting of appellants to a far off places have caused irreparable hardship for their families in establishing home and life together, thus offends the principles of policy enunciated under article 35, which is reproduced herein below:

"35 Protection of Family, etc.

The state shall protect the marriage the family, the mother and the child."

12. The impugned Notification (to the extent of Petitioner), is also negation of Article 9 of the Constitution which guarantees the right of security of persons. Word "life" occurring in Article 9 of the Constitution has been interpreted by the Hon'ble superior courts in numerous cases reported as *Arshad Mehmood v. Government of Punjab (PLD 2005 SC 193)*, *Ms. Shehla Zia and others v. WAPDA (PLD 1994 SC 693)* by laying down principle that "life does not only means vegetative or animal life it would include all such rights which are necessary for leading proper and comfortable life, worthy of citizens of a free country. It includes all such amenities and facilities which a person born in a free country is entitled to enjoy with dignity, legally and constitutionally. It covers all facets of human existence.

13. We, are conscious of the fact that the transfer and postings are within the domain of the Respondents, and fall within the terms and conditions of the service. But the instant petition seeks enforcement of the fundamental rights as to family, which this court can enforce under its powers conferred under article 199 of the constitution.

14. In view of above legal position, the petitioner has successfully made out her case in terms of the prayers so made. Therefore, instant petition is hereby allowed. Consequently, the impugned transfer notification dated 10.09.2025 (Annexure 'A', Page 25) is hereby set aside to the extent of petitioner Sania Rasool Bhutto. The petitioner shall be deemed to have never been transferred from Karachi to Islamabad, and she will again be posted at the place, where she was earlier working.

15. The Petition stands disposed in above terms. These are the reasons of short order dated 11.02.2026, whereby this petition was allowed.

**JUDGE
HEAD OF CONST. BENCHES**

JUDGE

Nadir/PS*