

Order Sheet
IN THE HIGH COURT OF SINDH KARACHI
CP No.D-6030 of 2024

Date	Order with signature(s) of Judge(s)
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- 1. For hearing of Misc. No.26732/2024
- 2. For hearing of main case

18.03.2025

M/s. Qurban Ali Malano and Dr. Tahseen Ahmed Shaikh, advocates for the petitioner

Mr. Ali Safdar Depar, AAG

Mr. K. Jehangir, advocate for the respondent No.5

Muhammad Karim Khan Agha J. Learned counsel for the petitioner has challenged the order dated 22nd November, 2024; an excerpt of which is set out below:

“ORDER:

Mr. Mumtaz Ali Korkani (BPS-16) SCUG Service (Accounts Branch) Budget Officer, Town Municipal Corporation, Saddar, District South, Karachi is hereby allowed to assign the additional charge of Senior Accounts officer, Town Municipal Corporation, Sohrab Goth, District East, vice **Mr. Muhammad Altaf Shaikh** (BPS-17) SCUG Service (Accounts Branch) transferred and directed to report Sindh Local Government Board, with immediate effect.

Additional Chief Secretary
Government of Sindh”

It appears that Mumtaz Ali Korkani (BPS-16) SCUG Service (Accounts Branch) Budget Officer, Town Municipal Corporation, Saddar, District South, Karachi was allowed the additional charge of Senior Accounts officer, Town Municipal Corporation, Sohrab Goth, District East, vice Muhammad Altaf Shaikh (BPS-17) SCUG Service (Accounts Branch) transferred and directed to report Sindh Local Government Board, with immediate effect.

We have heard learned counsel for the parties.

The first point to note is that one officer is transferred from one TMC to another separate TMC as such propriety demands that an officer from the same TMC ought to have been assigned the post in question as each TMC is an individual entity. Even otherwise under Section 8-A of the Sindh Civil

Servants (Appointment, Promotion and Transfer) Rules, 1974 Mumtaz Ali Korkani does not qualify for such additional charge.

Section 8-A of the Sindh Civil Servants (Appointment, Promotion and Transfer) Rules, 1974 is set out below for ease of reference:

“1[8-A. (1) Where the appointing authority considers it to be in the public interest to fill a post reserved under the rules for departmental promotion and the most senior civil servant belonging to the cadre or service concerned who is otherwise eligible for promotion does not possess the specified length of service the authority may appoint him to that post on acting charge basis.”

Thus, we find that the aforesaid order has been passed without lawful authority and the same is hereby set aside.

The petition stands disposed of in the above terms.

Head of Const. Benches

JUDGE