

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Constitution Petition No.D-1228 of 2025

PRESENT:
Mr. Justice Zulfiqar Ali Sangi,
Mr. Justice Arbab Ali Hakro,

Hearing of case (Priority)

1. For hearing of CMA No.4839/25 (S/A)
2. For hearing of main case.

Petitioner : Jahanzeb Babar s/o Ghous Bux,
through Mr. Qurban Ali Malano Advocate

Respondents : Province of Sindh & others,
No.1 to 5 through Mr. Zulfiqar Ali Naich, Assistant Advocate
General.

Respondent No.6 : Syed Mohibullah Shah,
through Mr. Abdul Ghani Abro, Advocate

**Date of hearing
& decision** : **17.12.2025.**

O R D E R

ARBAB ALI HAKRO, J.- Through this petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the Petitioner serving in BPS-17 under the Sindh Councils Unified Grades (SCUG) cadre, has challenged the transfer order dated 17.07.2025 whereby he was directed to report to the Sindh Local Government Board and Respondent No.6 an officer of BPS-16, was posted as Town Officer, Town Committee Ranipur, District Khairpur.

2. The Petitioner's case is that the post of Town Officer is reserved for BPS-17 officers at Taluka Headquarters, and substitution by a junior officer in BPS-16 is contrary to law, mala fide, and violative of Articles 4 and 10-A of the Constitution. He seeks a set-aside of the impugned order and restoration to his post.

3. The official respondents, however, have filed para-wise comments denying allegations of mala fide and political victimization. They submit that transfer and posting are incidents of service governed by SCUG Service Rules and fall within the administrative discretion of the competent authority. It is stated that the Petitioner cannot claim a vested right to remain posted at a particular place or post and that the impugned order was passed in accordance with law and service exigencies.

4. We have heard learned counsel for the parties and examined the record, including the impugned order dated 17.07.2025, the earlier posting order dated 08.08.2023, the Notification dated 16.06.2022, and the para-wise comments filed by the respondents.

5. The Notification of 16.06.2022 indeed reflects that the post of Town Officer at Taluka Headquarters is sanctioned in BPS-17/16. However, the service structure permits flexibility, and the competent authority retains discretion to post officers within the sanctioned grades. The Petitioner's assertion of an exclusive right to the post as a BPS-17 officer is misconceived, as the cadre rules do not confer any vested or fundamental right to remain posted at a particular station.

6. It is well-settled law that transfer and posting are matters of administrative policy, not enforceable as fundamental rights under Article 199. Unless mala fide or violation of statutory rules is established, constitutional jurisdiction cannot be invoked to interfere with routine service matters. The Petitioner has failed to substantiate allegations of mala fide with cogent material. Mere dissatisfaction with the transfer or preference for a particular posting does not attract constitutional protection.

7. The plea of violation of Articles 4 and 10-A is also untenable. Transfer orders do not require a personal hearing, nor do they amount to punitive action unless coupled with disciplinary proceedings. In the present case, no

adverse remarks or disciplinary inquiry have been shown; the order is purely administrative in nature.

8. In light of the above, we find no illegality, arbitrariness, or constitutional infirmity in the impugned transfer order dated 17.07.2025. The petition is devoid of merit and is hereby **dismissed**.

JUDGE

JUDGE

*Qazi Tahir PA/**