

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
C. P No. D- 765 of 2026
[Ghulam Shabbir Kalwar vs. Province of Sindh & others]

Before:-

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Abdul Hamid Bhurgri

Date of hearing and order:- 09.06.2026

Mr. Ghulam Murtaza Korai, Advocate for the Petitioner

Mr. Ali Raza Baloch, Additional Advocate General Sindh

ORDER

Adnan-ul-Karim Memon, J- The petitioner, Ghulam Shabbir Kalwar, has filed this constitutional petition under Article 199 of the Constitution, seeking a declaration that his transfer vide Notification dated 21.04.2026 was illegal, mala fide, and liable to be set aside.

2. It was contended by the counsel for the petitioner that pursuant to orders passed in C.P. No.D-683 of 2026, the petitioner was promoted from BPS-16 to BPS-17 and posted as Assistant Engineer, Works and Services Department through Notification dated 12.01.2026. he added that the impugned notification has already been withdrawn by the department and, therefore, the purpose of the petition had been achieved. He accordingly seeks permission to withdraw the petition.

3. Learned Additional Advocate General opposed the petition on the ground of maintainability, submitting that disputes relating to transfer and posting of a civil servant fall within the jurisdiction of the Sindh Service Tribunal, and relied upon the order dated 02.06.2026 passed by this Court in C.P. No.D-919 of 2026.

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

5. It is an admitted position that the impugned Notification dated 21.04.2026, whereby the petitioner was transferred, has already been withdrawn by the competent authority. Consequently, the grievance agitated through the instant petition no longer

survives, and the matter has become infructuous. No effective relief, therefore, remains available for adjudication by this Court.

6. Apart from the above, the controversy pertains to the transfer and posting of a civil servant, which falls within the Service Tribunal domain. It is a settled principle of law that where a statute provides an adequate and efficacious remedy, the constitutional jurisdiction of this Court is not ordinarily invoked. Matters relating to the terms and conditions of service, including transfer and posting, are required to be agitated before the Sindh Service Tribunal in accordance with the law. The petitioner has not been able to point out any exceptional circumstance warranting interference in the constitutional jurisdiction of this Court.

7. In these circumstances, and particularly when the impugned notification has already been withdrawn, and the petitioner's grievance stands redressed, coupled with the availability of an alternate statutory remedy, the instant petition is held to be not maintainable under Article 199 of the Constitution.

8. Accordingly, the same is dismissed as withdrawn as well as being not maintainable to be entertained, the pending applications are also disposed of in the said terms.

J u d g e

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