

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Constitutional Petition No. D – 4047 of 2026
(Mst. Asma versus Province of Sindh & others)

Constitutional Petition No. D – 5504 of 2026
(Mst. Asma Ayaz versus Province of Sindh & others)

DATE	ORDER WITH SIGNATURE OF JUDGES
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Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Jaffer Raza

Date of hearing & orders: 08.9.2026

M/s. Waqarullah and Farida Mangrio, Advocates for the Petitioner.
Ms. Urooj Ramzai, Advocate for Respondents 1 & 2.
Mr. Zohaib Zulfiqar Sarki, A.A.G.
Zahid Junejo, Additional Secretary, Sindh Local Government.
Abdul Aziz Dayo, TMC/Respondent Nos.2 & 3.

ORDER

Adnan-ul-Karim Memon, J. The petitioner in Constitutional Petition No. D – 4047 of 2026 seeks declaration that the impugned transfer/repatriation order dated 09.06.2020 is illegal, arbitrary, discriminatory, mala fide and without lawful authority, and prays for its setting aside along with all consequential actions. He further seeks protection against interference with his posting except in accordance with law and genuine administrative necessity, equal treatment with similarly situated employees, and directions for fair consideration of his service matters free from extraneous or political influence. Pending final decision, he also seeks suspension of the impugned order and permission to continue at his present place of posting.

2. The Petitioner, in Constitutional Petition No. D-5504 of 2026 also seeks declaration that the impugned orders dated 09.06.2026, 13.08.2026 and 20.08.2026, particularly the suspension order dated 13.08.2026, are illegal, without lawful authority, mala fide, discriminatory and violative of her constitutional rights, having also been passed, in disregard of the interim order dated 23.06.2026 in C.P. No. D-4047 of 2026. She, further seeks quashment of the said orders and all consequential proceedings, restoration to her substantive post of Deputy Director (Education) with additional charge of Director (Legal), along with all consequential service and financial benefits. The Petitioner also seeks a direction for constitution of an Inquiry Committee under the Protection Against Harassment of Women at the Workplace Act, 2010, protection against any further adverse or retaliatory action arising from her harassment complaint or invocation

of this Court's jurisdiction, and restraint against Respondent No.4 from harassing or interfering with her. She further prays that the Respondents be directed to produce the complete original record leading to the impugned orders and that proceedings under Article 204 of the Constitution read with the Contempt of Court Ordinance, 2003, be initiated for alleged willful disobedience of the interim order dated 23.06.2026.

3. The petitioner, Asma Ayaz, serving in the Local Government Department, Government of Sindh, and posted as Deputy Director (Education) with additional charge of Director (Legal), Town Municipal Corporation Saddar, Karachi, has challenged the transfer/repatriation order dated 09.06.2026 whereby she was transferred from Saddar Town to Lyari Town. Her learned Counsel contends that, pursuant to a resolution of the TMC Saddar dated 23.07.2024, she had taken lawful action against unauthorized commercial activities in residential areas, instituted approximately 250 cases, and recovered penalties of about Rs.1,50,00,000/-which were deposited in the Government account. According to the petitioner's counsel, such action displeased influential persons, resulting initially in her suspension, which was subsequently recalled, followed by defamatory allegations circulated through WhatsApp and a workplace-harassment complaint filed by her before the competent Ombudsman. He alleges that after notice was issued to Respondent No.5 in the harassment proceedings, he used his influence to procure her transfer repatriation as a retaliatory measure and to frustrate the proceedings. The counsel for the petitioner further relies upon the continued posting of other employees outside their parent Towns/Councils and asserts that her selective transfer is discriminatory and violative of Articles 4 and 25 of the Constitution. She also refers to a letter of the Chairman, TMC Saddar, requesting withdrawal of the repatriation order on the ground that the Corporation is facing a shortage of experienced officers and that her services are necessary for efficient municipal administration. On these grounds, she maintains that the impugned order is mala fide, arbitrary, discriminatory, without lawful authority and passed for extraneous considerations rather than genuine administrative exigency or public interest, and seeks its setting aside along with continuation at her present posting. Learned counsel submits that the Petitioner, serving as Deputy Director Administration with additional charge of Director Legal, TMC Saddar, had initiated approximately 250 cases against unauthorized commercial activities in residential areas and recovered Rs.1.50 crore in penalties. He contends that her actions against influential persons led to pressure, harassment and an initially issued suspension, which was later recalled. The Patitioner also lodged a workplace harassment complaint against Respondent No.4, and alleges that, to frustrate the said complaint, she was transferred/repatriated from Saddar Town to Lyari Town vide order dated

09.06.2026, which she claims was mala fide, discriminatory and not based on administrative exigency or public interest. She further relies upon the Chairman TMC Saddar's request for withdrawal of the transfer, citing the need for her services. Learned counsel further subenits that the Petitioner was subsequently suspended by Respondent No.1 without assigning any reason or furnishing the material forming the basis thereof, allegedly to prevent her from pursuing the harassment complaint. He therefore seeks production of the relevant record/material on the basis of which the suspension was ordered. He pointed out that this Court, vide order dated 23.06.2026, suspended the impugned transfer order, however, despite the said order, the Secretary, Local Government Department, Government of Sindh, subsequently issued Notification dated 13.08.2026 placing the Petitioner under suspension.

4. The learned AAG, on the other hand, maintains that the impugned transfer/repatriation and subsequent suspension from service orders are administrative matters falling within the lawful authority of the competent department and do not involve any change in the petitioner's pay, grade or service benefits. The transfer/suspension order, according to the respondents, has been made in the interest of administration and cannot be questioned merely based on the petitioner's personal assertions of mala fide or discrimination. They deny that the orders were issued as retaliation for her official actions or harassment complaint and contend that the petitioner has no vested right to remain posted at a particular place or cannot face the disciplinary proceedings in terms of the suspension order passed in C.P No.5504 of 2026. Consequently, the respondents seek dismissal of the petitions on the ground that no violation of any constitutional or legal/service right has been established and that the matter essentially concerns transfer/posting and disciplinary proceedings, which are an ordinary incident of service issued which required to be dealt with by the Sindh Service Tribunal.

5. Having heard the learned counsel for the parties and examined the record, it appears that the controversy, though arising from orders of transfer/repatriation and suspension, is substantially intertwined with the petitioner's allegations of workplace harassment and her assertion that the impugned actions were initiated in retaliation for her official actions and for having approached the competent forum against harassment.

6. At this stage, this Court would not undertake a disputed factual inquiry into the allegations of mala fide, harassment or the correctness of the allegations forming the basis of the suspension, as the same are matters which are required to be examined by the competent authority in accordance with law. Nevertheless, the sequence of events, including the harassment complaint, the impugned

transfer/repatriation, the interim order of this Court dated 23.06.2026 and the subsequent suspension order, calls for a fair, impartial and expeditious examination by the competent authority so that no action is taken against the petitioner for any extraneous, mala fide or retaliatory consideration.

7. It is, therefore, considered appropriate, in the interest of justice, to modify the impugned orders to the extent that the petitioner shall be permitted to continue in service and shall not be denied her lawful salary and other service benefits merely on account of the impugned suspension, subject, however, to any lawful proceedings that may independently be initiated or continued against her strictly in accordance with the applicable service laws and rules. The competent authority shall examine and decide all issues relating to the transfer/repatriation, suspension, allegations against the petitioner, and her complaint of harassment, after providing her due opportunity of hearing and strictly in accordance with law, within a period of one month from the date of receipt of this order.

8. During the intervening period, the respondents shall ensure that the petitioner is not harassed, victimized, intimidated or subjected to any retaliatory action in connection with her complaint, official acts or invocation of the jurisdiction of this Court, in any manner whatsoever, save and except any action which is otherwise permissible under law and is taken by the competent authority bona fide, for lawful administrative or disciplinary purposes and in accordance with due process. The competent authority shall also ensure that the proceedings concerning the petitioner are conducted fairly, independently and without any extraneous or political influence.

9. Accordingly, the impugned orders are modified to the above extent. The competent authority shall resolve all outstanding issues concerning the petitioner within one month in accordance with law. Nothing contained herein shall preclude the competent authority from taking any lawful action against the petitioner, if warranted, subject to observance of the principles of natural justice and all just exceptions available under the law.

10. The petitions, along with pending applications, stand disposed of in the above terms.

JUDGE

JUDGE

Nadeem Qureshi PA