

IN HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

C.P. No.D-894 of 2026

[Vijay Dutt Sharma v. Province of Sindh & others]

Before:

Mr. Justice Adnan Iqbal Chaudhry

Mr. Justice Riazat Ali Sahar

1. For order on MA No.3667/2026.
2. For order on office objection.
3. For order on MA No.3668/2026.
4. For order on MA No.3669/2026.
5. For hearing of main case.

Petitioner : Vijay Dutt Sharma through
Mr.Ishrat Ali Lohar, Advocate.

Respondents : Nil.

Date of Hearing : 07.05.2026

Date of Decision : 07.05.2026

ORDER

RIAZAT ALI SAHAR. J. - Through the instant Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the petitioner, serving as Assistant District Public Prosecutor (BPS-17), has called in question Notification dated 17.11.2025 issued by the Secretary, Law, Parliamentary Affairs & Criminal Prosecution Department, whereby the petitioner was transferred from Hyderabad and posted in the office of the District Public Prosecutor, District Thatta. The petitioner has further assailed Order dated 28.04.2026 issued by the Acting Prosecutor General, Sindh, Karachi, whereby Office Order dated 01.12.2025, through which prosecutorial work at District Hyderabad had been assigned to the petitioner, was recalled/cancelled and the petitioner was directed to join duties in the office of the District Public Prosecutor, District Thatta, with immediate effect.

2. Learned counsel for the petitioner, *inter alia*, contended that the petitioner was serving as Assistant Public Prosecutor in the Criminal Prosecution/Law Department, Government of Sindh, at District Hyderabad when, through Notification dated 17.11.2025, he was transferred and posted to District Thatta in violation of the

Government's wedlock policy. He contended that the petitioner is a permanent resident of Hyderabad, his children are getting education there and his wife is also serving at Hyderabad as Chief Women Medical Officer (BPS-19), therefore, his transfer to Thatta has caused serious hardship and disruption to family life. Learned counsel further contended that, **being aggrieved by the said transfer, the petitioner preferred Appeal No.467/2025 before the learned Service Tribunal, Karachi, wherein notices were issued to the respondents; thereafter, the petitioner approached respondent No.3, the Prosecutor General, Sindh, who issued Office Order dated 01.12.2025 assigning prosecutorial duties to the petitioner at Hyderabad and assured him that he would be permanently adjusted/transferred at Hyderabad if he withdrew the aforesaid appeal.** He further contended that upon such assurance, the petitioner withdrew the appeal vide order dated 10.12.2025; however, subsequently, respondent No.3, through Order dated 28.04.2026, recalled/cancelled the Office Order dated 01.12.2025 and again directed the petitioner to join duties at District Thatta. Learned counsel contended that the impugned actions of respondents No.2 and 3 are arbitrary, *mala fide*, contrary to the spirit and object of the wedlock policy and liable to be set aside.

3. Heard and perused the record.

4. On scrutiny of the record, it has been observed that the petitioner had earlier approached the learned Sindh Service Tribunal by filing Appeal No.467/2025 in respect of the same controversy, which clearly demonstrates that the petitioner, being a Law Officer, is fully aware of the proper legal remedy and forum available for redressal of his service grievance. Since the matter squarely pertains to terms and conditions of service, the jurisdiction of this Court under Article 199 of the Constitution is expressly barred in terms of Article 212 of the Constitution of the Islamic Republic of Pakistan, 1973.

5. It is a settled principle of law that where a special forum has been constituted under the law for adjudication of service matters, the Constitutional jurisdiction of this Court cannot be invoked bypassing such statutory remedy. Consequently, the instant petition is not maintainable and is, therefore, **dismissed in**

limine along with the listed application(s). However, the petitioner shall be at liberty to seek redressal of his grievance before the learned Sindh Service Tribunal, in accordance with law.

JUDGE

JUDGE

Abdullah Channa/PS