

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**  
**Constitution Petition No. D- 919 of 2026**

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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**Before;**

***Adnan-ul-Karim Memon, J;***  
**Abdul Hamid Bhurgari, J;**

Petitioner                      Imdad Hussain **through** Mr. Ghulam  
Shabbeer Shar advocate.

Province of Sindh & **Through** Israr Ahmed Shah, Assistant  
others                      Advocate General, Sindh.

**Date of hearing and order: 02-06-2026.**

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**ORDER.**

**Adnan-ul-Karim Memon J:-** The petitioner, through the instant petition, prays that this Court declare the impugned actions of the respondents, including the transfer of the petitioner during the peak procurement season, the handing over of charge of PRC Moro to respondent No. 7, and the issuance of the impugned show-cause notices, as illegal, unlawful, malafide, discriminatory, and without lawful authority. It is further prayed that the operation and effect of the impugned show-cause notices and order dated 08.05.2026 be suspended, and the respondents be restrained from removing the petitioner from PRC Moro or interfering with his posting and duties until the final disposal of this petition.

2. Learned counsel for the petitioner submits that the petitioner is a government servant serving in the Food Department, Government of Sindh, as Food Incharge for the last sixteen years with an unblemished service record and good reputation. He submitted that during his service, he remained posted at various Procurement Centers, including Tando Masti and Benazirabad, where he successfully achieved record wheat procurement targets. Counsel contends that the petitioner was posted as Incharge of PRC Moro vide order dated 20.03.2023 and performed his duties honestly, diligently, and in accordance with the prescribed rules

and procedures. However, during the peak wheat procurement season, he was abruptly transferred from PRC Moro to PRC Qambar Shahdadkot vide order dated 18.04.2026, which was subsequently recalled on the same day. It is submitted that such actions were arbitrary, malafide, and intended to displace the petitioner from the procurement centre without lawful justification. It is further argued that despite the availability of wheat stock at PRC Moro, respondent No. 3 failed to furnish the requisite report sought by respondent No. 1 regarding the stock position. Counsel submits that respondent No. 7 was unlawfully posted at PRC Moro despite his alleged involvement in wheat stock misappropriation and pending financial liabilities, whereas the petitioner, against whom no misconduct or shortage had ever been established, was subjected to discriminatory treatment. Learned counsel further submits that the respondents issued show-cause notices to the petitioner alleging a shortage of 6,194 wheat bags at PRC Moro based on NAB observations, whereas the said stock was physically available at the procurement centre and had been duly inspected by the competent authorities. He added that the inspection report submitted by the Additional District Food Controller categorically confirmed that the stock position and working of PRC Moro were satisfactory and that no shortage, misappropriation, or irregularity was found. Counsel argues that despite the existence of official records, inspection reports, stock registers, dispatch records, and challans demonstrating the availability and lawful disposal of wheat stock, the respondents ignored the material placed before them and proceeded against the petitioner in a malafide, arbitrary, and discriminatory manner, in violation of the principles of natural justice and fair play. It is further submitted that throughout his tenure, the petitioner maintained proper stock records and ensured that the physical stock remained in conformity with the official registers. He expressed that no complaint regarding his conduct or performance was ever made by any competent authority, and his service record has remained clean and unblemished. In these circumstances, learned counsel submits that the impugned actions of the respondents, including the transfer of the petitioner during the procurement season, the posting of respondent No. 7 in his place, and the issuance of the impugned show-cause notices, are illegal, unlawful, malafide,

discriminatory, and without lawful authority, warranting interference by this Court in the exercise of its constitutional jurisdiction. He prayed to allow this petition.

3. Learned Assistant Advocate General, without filing the comments opposed the petition and submitted that the transfer and posting of government servants fall within the exclusive domain of the competent authority and constitute exigency of service, in which this Court ordinarily does not interfere in the exercise of constitutional jurisdiction unless mala fides or violation of law are established. It was contended that the impugned orders were issued in the exigencies of service and in the public interest. He further submitted that the show-cause notices have merely initiated departmental proceedings and do not constitute any final adverse action against the petitioner. According to the learned AAG, the petitioner has an adequate opportunity to submit his explanation before the competent authority, and therefore, the petition is premature. He prayed to dismiss the petition in terms of Article 212 of the Constitution.

4. In rebuttal, learned counsel for the petitioner argued that although transfer is generally regarded as an incident of service, the same is nevertheless amenable to judicial review where it is shown to be tainted by mala fides, arbitrariness, discrimination, or where it is made for an ulterior purpose. He submitted that the petitioner was displaced during the peak procurement season without any administrative justification, whereas respondent No. 7, despite his alleged adverse record, was entrusted with the charge of the procurement centre. Learned counsel further contended that the impugned show-cause notices are not based on factual grounds, as the alleged shortage of wheat stock stands contradicted by official inspection reports, stock records, dispatch documents, and other material available on record. According to him, the respondents failed to consider the relevant material and proceeded against the petitioner in a discriminatory and arbitrary manner. He further argued that where proceedings are initiated on a foundation that is *ex facie* incorrect or unsupported by the record, the constitutional jurisdiction of this Court can validly be invoked to prevent abuse of authority and miscarriage of justice.

He therefore reiterated his request that the petition be allowed and the impugned actions be declared unlawful.

5. We have heard learned counsel for the parties on the maintainability of the petition and have examined the available record with their able assistance.

6. Admittedly, the petitioner is a Civil servant. It is a settled principle of service jurisprudence that transfer and posting are exigency of service and fall within the administrative domain of the competent authority. Ordinarily, constitutional jurisdiction is not invoked to interfere in such matters unless the impugned action is shown to be patently without lawful authority, tainted by mala fides, or in violation of any statutory provision. Mere allegations of mala fides, without convincing material, are insufficient to warrant interference by this Court under Article 199 of the Constitution.

7. In the present case, although the petitioner has alleged mala fide and discriminatory treatment, no tangible material has been placed on record at this stage to establish that the transfer order was issued for an ulterior motive or by an authority lacking jurisdiction. The question whether the transfer was justified or otherwise falls within the administrative discretion of the department and cannot ordinarily be substituted by the opinion of this Court. However so far as the posting of private respondent is concerned against whom the allegations are leveled which factum needs to be looked into by the Secretary Food department and he shall ensure that no official of patchy record is posted in such place which may multiply the agony of the people at large.

8. Likewise, the impugned show-cause notices merely call upon the petitioner to explain his position regarding the matters under inquiry. It is settled law that a show-cause notice does not by itself determine rights or impose any civil consequence unless a final adverse order is passed. The petitioner has an adequate and efficacious remedy to submit his explanation before the competent authority and place all relevant material, including inspection reports, stock registers, dispatch records, challans, and any other documentary evidence in support of his defence. Premature interference in departmental proceedings would amount to stifling

a lawful inquiry before its logical conclusion, which is function of competent authority.

9. The contentions raised by the petitioner regarding the actual availability of wheat stock, the correctness of NAB observations, and the authenticity of inspection reports involve disputed questions of fact requiring examination by the competent departmental authorities and cannot appropriately be adjudicated in constitutional proceedings based on disputed factual assertions.

10. Before parting with the matter, it is observed that allegations relating to shortage, misappropriation, pilferage, and mishandling of government wheat stocks have repeatedly surfaced in the Food Department, involving substantial public funds and food security concerns. Such allegations, if true, not only undermine public confidence in governmental institutions but also cause serious loss to the public exchequer.

11. Accordingly, the Secretary, Food Department, Government of Sindh, is directed to take all necessary administrative, supervisory, and preventive measures to ensure transparency, accountability, and strict compliance with the applicable laws, rules, and policies governing procurement, storage, transportation, and disposal of wheat stocks throughout the Province. The Secretary shall also ensure that periodic inspections, audits, and monitoring mechanisms are effectively implemented so as to curb the menace of corruption, misappropriation, and maladministration within the Department. He shall not allow such officer to be posted against whom departmental/criminal proceedings are pending.

12. It is further observed that whenever any instance of misconduct, corruption, misappropriation, embezzlement, or abuse of authority comes to the notice of the competent authorities, the matter shall be dealt with strictly in accordance with law, and appropriate departmental as well as criminal proceedings, where warranted, shall be initiated against the delinquent officials without fear or favour.

13. The Secretary, Food Department, shall ensure that accountability measures are enforced uniformly and that no official is either unnecessarily harassed or granted undue favour, thereby

maintaining the integrity of the Department and safeguarding public resources.

14. For the foregoing reasons, we are not persuaded to invoke the constitutional jurisdiction of this Court at this stage. The petition is accordingly dismissed in limine. However, the competent authority shall consider the petitioner's explanation, documents, and defence strictly in accordance with law, uninfluenced by any observation made herein, and shall pass a reasoned order after affording him a fair opportunity of hearing.

15. These observations shall not prejudice the rights of either party in any departmental proceedings. No order as to costs.

16. All pending applications are disposed of accordingly.

**J U D G E**

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*Nasim/P.A*