

IN THE HIGH COURT OF SINDH, KARACHI

C.P. No.D-6158 of 2018

Date	Order with signature of Judges
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Fresh case:

1. For orders on M.A No.26748/2018 (Urgent/App)
2. For orders on M.A No.26749/2018 (Exp/App)
3. For hearing of main case.

31/08/2018:

Mr. Mustafa Lakhani, Advocate for the petitioner.

1. Granted.
2. Exemption granted but subject to all just exceptions.
3. The instant petition has been filed by challenging the transfer of the petitioner. Learned counsel for the petitioner states that due to the misguiding by the Chief Secretary, Sindh, to the Water Commission on 6.2.2018 some observations are made by the said Commission on the said date, which ultimately resulted in the transfer of the petitioner. He states that, firstly, the Commission was misguided by the Chief Secretary on which some observations were recorded by the Commission, and, secondly, it was due to those observations that the petitioner was transferred. He, therefore, states that restraining order may be passed with regard to the transfer of the petitioner and the respondents may be directed not to take any adverse action against the petitioner.

It is noted from the submission of Mr. Mustafa Lakhani that the crux of his arguments is that it was the Chief Secretary, Sindh, who misguided the Water Commission on 6.2.2018 due to which some observations were recorded by said Commission on the said date and due to those observations the petitioner was transferred. In our view, firstly, this Court has no jurisdiction to dilate upon the observations, if any, made by the

Water Commission, and, secondly, if in his view the Water Commission has been misguided by the Chief Secretary, Sindh, he should adopt the legal procedure as available to him under the law, which could be filing a proper application to the Water Commission or approaching the Hon'ble Supreme Court of Pakistan in this behalf but this Court, in our view, has no jurisdiction to discuss/dilate upon the observations, if any, made by the Water Commission which functioning under the orders of the Hon'ble Supreme Court of Pakistan. This petition, thus, is found to be not maintainable and is accordingly dismissed in limine.

JUDGE

JUDGE