

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.

C.P. No.D-1324 of 2020

DATE

ORDER WITH SIGNATURE OF JUDGE

Before;

Mr. Justice Muhammad Shafi Siddiqui
Mr. Justice Irshad Ali Shah.

1. For orders on office objection.
2. For orders on MA-6612/2020.
3. For orders on MA-6613/2020.
4. For hearing of main case.

26.11.2020

Mr. Ghulam Akbar Jatoi, advocate for petitioner.

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The petitioner being Deputy Superintendent in Sindh Police has challenged his transfer order from Hyderabad to Karachi and charge sheet issued to him before this Court by way of instant petition.

2. On being asked as to whether in presence of bar contained by Article-212 of the Constitution of Islamic Republic of Pakistan, terms of service of a public servant could be adjudicated by this Court in exercise of its constitutional jurisdiction?
3. Learned counsel for the petitioner by relying upon case of *Inayatullah and others vs Director General and others [2006 SCMR 535]* stated that; 'yes' it could be done as no final order on charge sheet issued against the petitioner has yet been passed.
4. We have considered the above arguments and perused the record.
5. Admittedly, the petitioner is a public servant therefore, neither his transfer order nor disciplinary proceedings against him in shape of

charge sheet could be interfered with by this Court in exercise of its constitutional jurisdiction in terms of clear bar contained by Article-212 of the Constitutional of Islamic Republic of Pakistan under the garb that no final order on charge sheet issued against the petitioner has yet been passed.

6. The case law which is relied upon by learned counsel for the petitioner is on distinguishable facts and circumstances. In that case no issue of transfer or disciplinary proceeding against public servant was involved. It was the case of discrimination.

7. In view of the facts and reasons discussed above, the instant petition being misconceived is dismissed in limine along with the listed application[s].

J U D G E

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Ahmed/Pa