

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Suit No.55 of 2014

Date: Order with signature of Judge

1. For hearing of CMA No.12804/15
2. For hearing of CMA No.7567/15
3. For hearing of CMA No.373/14
4. For hearing of CMA No.9358/15
5. For hearing of CMA No.9359/15
6. For hearing of CMA No.1447/16
7. For examination of parties and settlement of issues

02.11 .2016

Mr. Naveed Ahmed for plaintiff
Mr. Munir Ahmed Malik for defendant
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This application bearing CMA No.373/2014 is pending since long in terms whereof the plaintiff seeks restraining order against the defendant from transferring her in any other place then the one she was transferred last.

It is the case of the plaintiff that she was transferred as Reservation and Ticketing Officer, PIAC at Dubai for a period of three years. It is claimed by the plaintiff that she was not allowed to work for a certain period hence she is entitled to complete the left over period of three years as required under the law.

On the other hand learned Counsel for the defendant submits that though the plaintiff was transferred in the year 2012 but to her own convenience she joined the service somewhere in May 2012. Consequently it is claimed that she joined the office at Dubai on 29.5.2012 It is claimed that without prejudice if the time is calculated from May, 2012, her period is over in May 2015 whereafter she was not entitled to remain posted at the relevant office until otherwise required by management. During this period she continued to avail facilities and continued to work and thereafter she was not entitled for such benefit

on account of her transfer at Dubai. However despite order she has not joined duties in Pakistan since she is still in Dubai and has not reported to head office at Karachi.

I have heard the learned Counsels and have perused the material available on record.

It seems that in terms of the transfer policy the tenure of foreign posting is normally of three years which may be extendable by one year due to operational considerations and performance. This general condition was not absolute in terms whereof the plaintiff could claim that she could remain posted there for three years as the language of this rule suggests that “normally” the transfer and posting shall be for three years. It was mentioned in the said transfer letter that the management has absolute power to recall the transfer order at any time as deem fit and proper. The reason highlighted in the earlier transfer letter impugned here was that the post of RTO at Dubai was abolished.

But that as it may, plaintiff was initially transferred in February, 2012 and on account of her own convenience she joined the service in May 2012. Even if this period is taken into account, she completed her tenure in May, 2015. There is nothing on record to suggest that she did not complete her period of three years or that she was not allowed to work. She continued to enjoy interim order that she obtained on 18.6.2015 and that too subsequent to the lapse of statutory period of three years hence she could not be allowed to remain posted as Reservation and Ticketing Officer beyond three years which period has already lapsed in the month of May, 2015.

In view of the above, the application has no merits and is accordingly dismissed.

Judge