

Order Sheet

IN THE HIGH COURT OF SINDH KARACHI

C. P. No. D – 1555 of 2021

Date	Order with Signature of Judge
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Priority

- 1.For hearing of CMA No.6537/21 (stay)
- 2.For hearing of main case

08.03.2021

Mr. Salahuddin Ahmed, advocate for petitioner
Mr. Nishat Warsi, DAG
Mr. Ali Safdar Deepar, AAG

Learned DAG and AAG sought time to file Para-wise comments.

Learned counsel for the petitioner has relied upon a notification dated 05th August 2020 available at page-25 as annexure-B that governs the policy in relation to transfer and posting of police officers. He has relied upon rule 5(c) of Principles of Policy that regulates rotation of officers serving for long continuous period at one geographical location. He then relied upon rule 13-a, c and f. While relying upon these rules, learned counsel submits that the current officers who have served for 10 years or more in any of the governments shall be transferred to other governments in three phases spanning over six months each and “starting” with the officers who have longest tenures in a government. He submits that with this proposition and policy, the list available at page-37 as annexure-C discloses that there are quite a few officers who have served more than the length of those who have been transferred vide impugned notification. He submits that in all fairness the officers at Sr.No.1 to 7 should have been taken into consideration being served for 17 to 22 years whereas rest of the bunch on next page have served less than those who are available on the first page of this serving list. Hence the policy has been violated and no discretion vests with the Federal Government to flout their own policy. He has relied upon the judgment of Zahid Akhtar v. Government of Punjab through

Secretary, Local Government and Rural Department Lahore reported in
PLD 1995 Supreme Court 530.

The points raised require consideration. Since comments have not
been filed, we deem it appropriate that notifications available as annexures
A-1 to A-5 attached with petition as well as notification attached with
statement dated 04.03.2021 as annexure A-6 though mentioned in memo
of petition, shall remain suspended.

J U D G E

J U D G E

Ashraf