

ORDER SHEET
HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD

C.P No.D-1806 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
1.	For orders on M.A No.6415/2022
2.	For orders on office objection(s)
3.	For orders on M.A No.6416/2022
4.	For orders on M.A No.6417/2022
5.	For hearing of main case

17.05.2022

Faqir Rehmatullah Hisbani, advocate for petitioner

1. Urgency is granted.

2to5. This petition has been filed by one Dr. Nisar Ahmed Sohoo, challenging the withdrawal of his assignment to look-after the work of Director Health Services Hyderabad Division, Hyderabad. Brief facts are that one Dr. Shahnaz Memon, while she was acting as Director Health Services Hyderabad Division, Hyderabad, recommended the petitioner, who was working as Additional Director, PA&A (BS-19) in Directorate of Health Services Hyderabad Division Hyderabad, to be appointed on her place, as being most efficient and professional asset to the Directorate. Such recommendation of the Director Health Services to the Secretary Health Department was then followed by an Office Order dated 29.04.2022 that she is relieving the charge on the even date on attaining the age of superannuation w.e.f 30.04.2022 and till the regular posting of Director Health Services Hyderabad by the Government, the petitioner be directed to look-after the routine matters of Directorate.

There is no official letter of the Secretary Health Department, Government of Sindh for awarding the look-after charge to the petitioner. Whereas, on 09.5.2022 an Office Order has been issued, which is impugned here, which has withdrawn such charge, as allegedly assigned to the petitioner and instead one Dr. Rukshana Channar, Divisional Additional Director (Curative) Office of Director Health Hyderabad Division, Hyderabad, was advised to look-after day to day work of the office of Director Health Services Hyderabad Division, Hyderabad. We are afraid that the petitioner's counsel has failed to assist this Court that petitioner was lawfully assigned either temporary or permanent assignment to look-after the charge of Director Health Services Hyderabad Division, Hyderabad and even otherwise no such letter of the Secretary Health Department is placed on record. The transfer and posting is prerogative of the Government and the petitioner cannot insist or enforce the Government for any such posting. Outgoing Director Health Services Hyderabad has no role to

recommend any officer. Accordingly petition, being devoid of merit in connection with the affairs of transfer and posting issue, is dismissed in limine alongwith listed application; however, with no order as to cost.

JUDGE

JUDGE

Sajjad Ali Jessar