

IN THE HIGH COURT OF SINDH KARACHI

Before :

Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Adnan-ul-Karim Memon

CPNo.D-4199 of 2022

Gul Zareen Muniri

Petitioner:

Through Mr. Muhammad Asif Malik, advocate

Respondent No.1:

Through Syed Yasir Hussain Shah, AAG.

Respondents No.2 to 5:

Through Mr. Rajesh Kumar Khagaija,
advocate

Date of hearing

& Decision:

16.01.2023.

ORDER

ADNAN-UL-KARIM MEMON, J. Through this Constitutional Petition, the petitioner is seeking his posting at Jinnah International Airport Karachi, inter alia, on the ground that he is getting medical treatment in Agha Khan University Hospital Karachi which facility is not available at Quetta International Airport, Quetta.

2. Brief facts of the case are that the petitioner was initially enrolled in Civil Aviation Authority as supporting staff. Subsequently, he earned a promotion to the next grade based on his qualification. Petitioner during his tenure of service underwent a major cervical surgery at Liaquat National Hospital when he was posted in Islamabad, however, he was advised to get better medical treatment from Agha Khan University Hospital Karachi. Petitioner has averred that to his dismay and shock, he was posted from different stations and he was lastly posted at Quetta where his disease aggravated he was provided medical treatment at Agha Khan University Hospital Karachi and was on medical leave. Petitioner further averred that he requested to the competent authority for transfer from Quetta to Karachi on medical grounds vide his applications dated 18.3.2022 and 13.06.2022, which have not been taken care of, and surprisingly he was transferred and posted to Bacha Khan International Airport Peshawar vide letter dated 09.06.2022. Petitioner relied upon the medical certificates attached with

the memo of the petition and representation made to the competent authority for his transfer to Karachi, however, nothing has been done compelling the petitioner to approach this court for posting on medical grounds as envisaged in Clause (D-4.6) of Civil Aviation Service Rules, 2014, updated 2019.

3. Learned counsel for the respondents has supported the stance of the Civil Aviation Authority and argued that the competent authority issued the posting order under the Service Regulations of 2014 and policy framed in this regard, thus this is not maintainable against transfer and posting.

4. We have heard the parties at length and considered their submissions and perused the record.

5. Since the issue is confined to the transfer and posting of the petitioner who is a public servant and the petitioner cannot seek direction for his posting at his chosen place. So far as the medical condition of the petitioner is concerned, it is for the competent authority of respondents to look into the medical issues of the petitioner, and if he is at all entitled to posting near, where he could get the better medical facility.

6. Keeping in view the above-mentioned facts and circumstances of the case, we do not see any infringement of the right of the Petitioner which could be entertained by way of Writ Petition, however, that is subject to the consideration of the case of petitioner based on medical grounds, which could be looked into by the Civil Aviation Authority within a reasonable time.

7. In the light of the above facts and circumstances of the case, the instant petition is disposed of in the above terms.

JUDGE

JUDGE

Nadir*