

IN THE HIGH COURT OF SINDH KARACHI

Before :

Mr. Justice Muhammad Iqbal Kalhoro

Mr. Justice Adnan-ul-Karim Memon

Constitutional Petition No.D-821 of 2023

(Muhammad Shoaib and 03 others v. Federation of Pakistan and 03 others)

Mr. Muhammad Ramzan, advocate for the petitioners

Mr. Qaim Ali Memon, advocate for the respondents/Pakistan Rangers

Ms. Wajiha Mehdi, DAG

Date of hearing
& decision : 16.03.2023.

ORDER

Through this petition, the petitioners have assailed the vires of their moving/transfer orders dated 01.02.2023 and 28.01.2023.

Petitioners have submitted that they were initially appointed as Civilian General Constables in Pakistan Rangers and they were posted at Sindh Rangers Hospital North Nazimabad A-Block Karachi in the year 2015, since then they are performing their duties as Medical Technicians. Petitioners have averred that they are liable to be transferred from one hospital to another hospital and not otherwise.

Learned counsel for the petitioners submitted that the petitioners were appointed against the civilian posts in Pakistan Rangers, whereas no training was given to them for operational duties, therefore, their transfer order to another cadre i.e. Operational Cadre is against the terms and conditions of the service of the petitioners. Learned counsel emphasized that petitioners have no experience in the operation of rangers and as such their transfer from the medical department to Operation Wing of Pakistan Rangers is illegal and unlawful. As per learned counsel, the petitioners are required to perform their duties in terms of their appointment orders. Learned counsel lastly prayed for allowing the petition.

We have heard learned counsel for the petitioner on the maintainability of the instant petition and perused the record.

The questions are whether the employees of Pakistan Rangers are civil servants and can be transferred from one place to another place and whether the petitioners were appointed as Civilian General Constables in Pakistan Rangers

and their cadre cannot be changed i.e. from Medical Cadre to Operational Cadre. Let comments be filed by the respondents and in the meanwhile, the learned Assistant Attorney General is directed to assist this court on the subject issue.

Adjourned to **30.03.2023**. In the meanwhile, parties maintain the status quo.

JUDGE

JUDGE

Nadir*