

**Order Sheet**  
**IN THE HIGH COURT OF SINDH,**  
**BENCH AT SUKKUR**

Const. Petition No. D- **1055** of 2023

Date of hearing	Order with signature of Judge.
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**FRESH CASE**

- 1.For orders on CMA 4368/23
- 2.For orders on office objections.
- 3.For orders on CMA 4369/23
- 4.For orders on CMA 4370/23
- 5.For hearing of main case

**22-06-2023**

Mr. Qurban Ali Malano, Advocate for the petitioners.

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1. Urgency is granted.
2. Deferred for the time being.
3. Exemption is granted subject to all just legal exceptions.

4&5. Petitioners are both police officials. Their grievance appears to be that on 31.03.2023, the AIGP, Establishment-II issued an order, in terms of which their names were listed amongst a long list of police officials, who were suspended because of their involvement in smuggling of Irani oil, non-custom paid vehicles and other contraband items. In the order which was issued, it was specifically mentioned that they will continue to draw pay and allowances, as admissible under the rules. Mr. Malano submits that another order was passed on 10.04.2023, in terms of which the earlier suspension was withdrawn. He further argues that inspite of the fact that the order of suspension had been recalled, on 14.04.2023, yet another order was made which listed the names of both petitioners and the order *prima facie* reflects

that their salaries were stopped because of their involvement in smuggling of Irani oil, non-custom paid vehicles and other contraband items. Mr. Malano further submits that after the order releasing them from suspension was passed, there was no further case of their involvement in smuggling of Irani oil, non-custom paid vehicles and other contraband items; hence, the order directing that salary be stopped was unlawful. The second grievance of the petitioners is that they have been unlawfully and illegally transferred.

*Prima facie*, the issue of transfer of a civil servant is an issue to be decided by the Service Tribunal, and as a consequence, the petitioners are put at notice to satisfy the Court in this regard.

While issuing notices to the respondents and AAG, it would be appropriate to direct that the salaries of the two petitioners which had accrued to them may be paid to them hopefully before Eid holidays.

RE-list on **25.7.2023**.

**JUDGE**

**JUDGE**

Ahmad