

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

CP D 2100 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For order on Misc. No.10157 of 2023
2. For order on office objection No. 4 & 18
3. For order on Misc. No.10158 of 2023
4. For order on Misc. No.10159 of 2023
5. For hearing of main case

03.05.2023

Mr. Ali Asadullah Bullo, advocate for the petitioner

1. Granted. 3. Granted, subject to all just exceptions. 2,4&5. The petitioner, representing himself to be a civil servant, has primarily assailed his transfer order and at the very onset the office has raised an objection as to how the petition is maintainable in view of the bar contained in the Article 212 of the Constitution.

Petitioner's counsel has pleaded¹ that the petitioner has sought recourse to the High Court in its writ jurisdiction due to non-availability of the bench of the Federal Service Tribunal at Karachi. Learned counsel was queried as to whether the learned Tribunal was *functional*, and he responded in the positive, however, submitted that it would be inconvenient for the petitioner to either await the bench at Karachi or seek for his matter to be heard immediately at any of the other venues whereat the learned Tribunal was available².

Admittedly, the learned Tribunal is functional and merely not sitting at Karachi at the present moment. While we remain cognizant of our jurisdiction if the learned Tribunal was *non-functional*, however, that is certainly not the case before us. We have not been assisted with any law that would enable us to assume jurisdiction³ merely on account of a bench being unavailable in Karachi at the present moment or just to suit the convenience of a petitioner.

In view hereof, we are constrained to observe that this petition is *prima facie* misconceived, hence, the same, along with pending applications, is hereby dismissed in *limine*.

J U D G E

J U D G E

¹ Per paragraph 12 of the memorandum of petition.

² Per learned counsel, the benches are presently in sitting at Islamabad and at Quetta.

³ In the presence of Article 212.