

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 28 of 2024

(Naseer Ahmed Phulpoto versus Province of Sindh & others)

Present:

Mr. Muhammad Iqbal Kalhoro, J.

Mr. Arbab Ali Hakro, J.

Date of hearing : **16.01.2024**

Date of decision : **16.01.2024**

Mr. Sohail Ahmed Khoso, Advocate for petitioner.

Mr. Ali Raza Baloch, Assistant Advocate General Sindh.

ORDER

Muhammad Iqbal Kalhoro, J. – Petitioner, a Civil Servant, is aggrieved by an order dated 14th December 2023 withdrawing an order of cancellation of transfer and posting of him and one Akhtiar Hussain Phul, Assistants/Head Clerks (BPS-16) vice versa, on the ground of frequent transfers.

2. Learned Counsel submits that in the past two years, the petitioner has been constantly transferred which is amenable to constitutional jurisdiction of this Court, and in order to maintain the petition before this Court has relied upon cases of *Khan Muhammad v. Chief Secretary, Government of Balochistan Quetta and others* (2018 SCMR 1411) and *Syed Mahmood Akhtar Naqvi and others v. Federation of Pakistan and others* (PLD 2013 Supreme Court 195).

3. We have, with respect, gone through the case law relied in 2018 SCMR 1411 that shows the petition was filed against a judgment of the Balochistan Service Tribunal, Quetta in a Service Appeal U/S 4 of the Balochistan Service Tribunal Act, 1974. The ratio of judgment in PLD 2013 Supreme Court 195 is quite different to the controversy in hand. The petitioner, admittedly, is a Civil Servant, and this Court's jurisdiction is barred under Article 212 of the Constitution to look into

and deal with such matters i.e. transfer and posting of Civil Servants, particularly when the petitioner has an adequate remedy before the Sindh Service Tribunal to challenge his transfer, if he is so aggrieved.

4. The petition is palpably barred U/S 212 of the Constitution and is accordingly **dismissed** along with pending application(s), if any.

J U D G E

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Abdul Basit