

## ORDER SHEET

### *IN THE HIGH COURT OF SINDH AT KARACHI*

**Constitution Petition No. D – 4996 of 2023**

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

1. For orders on Misc. No. 22881/2023.
2. For orders on office objection No. 05.
3. For orders on Misc. No. 22882/2023.
4. For hearing of Main Case.

**18.10.2023:**

Mr. Siraj Ahmed Khoso, advocate for the petitioner.

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1-3. Through instant petition, the petitioner has challenged the Order No.EB-1/24584/90 dated 27.09.2023 issued by the Inspector General of Sindh Prisons & Corrections Service Karachi, whereby, according to learned counsel for the petitioner, petitioner Ahmed Ali Baloch, Senior Clerk of District Prison & Correctional Facility, Sanghar has been transferred and posted at Central Prison & Correctional Facility, Karachi with immediate effect against an existing vacancy on administrative grounds. Per learned counsel, since the petitioner has applied for leave of two months from the respondent No.3, therefore, in retaliation, the impugned order of petitioner's transfer has been passed. It is further submitted by the learned counsel for the petitioner that in view of letter No.F.2(1)/2023-Coord dated 15.08.2023 issued by the Election Commission of Pakistan, there is ban on any kind of transfer/posting, therefore, the impugned transfer order is illegal and without lawful authority.

From perusal of the letter dated 15.08.2023 enclosed alongwith instant petition, it is observed that a ban has been imposed on transfer/posting with prior approval of Election Commission of Pakistan, however, nothing has been placed on record to show that either the transfer order impugned through

instant petition, is misconceived, prima facie, it appears that such ban is imposed in respect of only administrative posts such as Commissioners, RPOs, CPOs, Deputy Commissioners, DPOs, SDPOs, ADCs and Assistant Commissioners. Moreover, transfer/posting is the part of the terms and condition of service of a civil servant, which otherwise cannot be agitated by filing a constitutional petition.

While confronted with hereinabove position, learned counsel for the petitioner could not submit any reasonable explanation as to maintainability of instant petition.

Accordingly, we do not find any substance in the instant petition, which is dismissed in limine alongwith listed applications.

*JUDGE*

*JUDGE*

A.S.