

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Const. Petition No.D- 1209 of 2024

Date of hearing	Order with signature of Judge
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Fresh Case

- 1.For orders on CMA 4755/24
- 2.For orders on office objections.
- 3.For hearing of CMA 4756/24
- 4.For orders on CMA 4757/24
- 5.For hearing of main case.

28-08-2024

Mr. Imdad Ali Malik, Advocate for petitioner.

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

4&5. Counsel for petitioner states that petitioner has been serving as Assistant Superintendent in Prison Department and posted at Juvenile and Women Prison & CF Prison, Sukkur and in such capacity through order dated 08.05.2023 (page-13) was also given look after charge of day to day affairs of Officer Incharge of Juvenile & Women & Correctional Facility at district Prison, Sukkur, which job, per learned counsel, she has been satisfactorily performing since the date of her appointment in the above additional position. Counsel states that through Notification dated 12.08.2024 (page-15), respondent No.4 was transferred as Assistant Superintendent in the above referred Correctional Facility with immediate effect. Not only so, on the following day i.e. 13.08.2024, he was also handed out looking after day to day affairs of the officer Incharge of said Correctional Facility vide order dated 13.08.2024 (page-17). Counsel has placed reliance on Section 130 of the Sindh Prisons & Corrections Services Act, 2019, to show that it strictly bars any male person to enter anytime at the place of confinement for women prisoners and such

entrance can only be made if he is accompanied by a Lady Assistant Superintendent. Counsel states that in fact when petitioner was given look after charge vide order dated 08.05.2024, she relieved a male officer on the same grounds, who was assigned to do the job at the women facility. Counsel states that instant petition was originally filed for the purposes to hand out day to day facilities to the lady petitioner; however, petitioner would have no objection if any suitable women officer is appointed to do the same job. Counsel states that an illegality has been committed by the concerned authority by issuing the impugned order (page 17). When confronted as to whether petitioner has any other remedy except invoking Article 199 of the Constitution, counsel states that order was passed by IGP Sindh Prisons & Correction Service, which are only challengeable before this Court.

Subject to maintainability of this petition, let notices be issued to respondents as well as AAG for **19.09.2024**. However, order of giving look after charge of day to day affairs to respondent No.4 (available at page-17) to remain suspended, and the concerned authority to appoint any suitable lady candidate for such job, and in the interim period, the petitioner to continue above look after charge [per notification dated 08.05.2024 (page 14)] till the next date of hearing.

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