## ORDER SHEET IN THE HIGH COURT OF SINDH AT KARACHI

## CP NO.D-5311/2020

Date Order with signature of Judge

- 1. For order on office objection.
- 2. For hearing of Misc. No.22648/2020
- 3. For hearing of main case.

## 04.09.2024

Mr. Hakim Ali Khan advocate for petitioner. Mr. Sakhiullah Chandio advocate for KE

Mr. Muhammad Qasim, DAG.

Heard learned counsel for parties and learned DAG.

2. Relevant paragraph of order dated 27.01.2020 is reproduced herewith:-

"The petitioner himself has produced the copy of the transfer letter dated 08.04.2014 as annexure-P-2 and admitted in his cross examination that he joined the place where has been transferred by impugned transfer order and that he has filed the present petition after compliance of transfer order after 4/5 months. Meaning thereby that the impugned transfer has already been implemented, complied and acted upon. Furthermore, the transfer is a contracted, managerial functions and legal right of the employer, and such managerial functions of the employer cannot be restrained under the garb of a petition alleging unfair labour practice on account of the trade union activities. Moreover, no specific instance of unfair labour practice on account of trade union activities has been given hence the petitioner is not entitled to the relief claimed by him. The evidence of both parties proved that transfer of the petitioner has not been by way of demotion or to an irrelevant location but from SSMR-II located at GSM Building, Power House, Elander Road IBC Nazimabad; all within the city limits of Karachi and it is also not proved that there has been lowering of status of the petitioner or he was degraded. Even the petitioner has admitted this fact in his cross examination. Every organization / entity has its rules and procedures which are required to be followed by its employees including the transfers which are also part of the employment's terms and conditions. Insistence on a part of an employee for retention at a particular location creates doubts and the petitioner being the employee of the respondents is fully aware of the procedure. The

transfers are part of the organizational functions which is a normal routine in the organization."

Same was assailed but petitioner failed to demonstrate any illegality in the impugned order. Here in writ jurisdiction, this Court has limited jurisdiction to examine the issue of jurisdiction or gross negligence/violation of any mandatory condition that is lacking, accordingly petition is dismissed.

JUDGE

JUDGE

ΙK