

ORDER SHEET  
HIGH COURT OF SINDH, CIRCUIT COURT MIRPURKHAS

C.P No.D-1426 of 2024

Date	Order with signature of the Judge
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1. For orders on office objections
2. For orders on M.A No.4446/2023
3. For hearing on main case

26.02.2025

Mr. Rao Faisal Ali, Advocate / Petitioner in person

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This writ petition is filed under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, by the Petitioner, seeking the implementation of Order No. 8854-61/V/T-VI, dated 20.4.2023, concerning the transfer of police officials and other related reliefs.

2. The aforementioned prayers illustrate that the Petitioner is invoking a public interest writ to enforce the execution of the official Order promulgated by the Additional Inspector General of Police (AIGP)/Establishment-II, Police Department, Government of Sindh, Karachi. The pivotal question for determination is the maintainability of the petition under Article 199 of the Constitution. The Petitioner bears the burden of demonstrating that the respondents' actions or omissions have infringed upon his constitutionally enshrined fundamental rights. Consequently, at the previous hearing, the Petitioner was directed to be adequately prepared to satisfy this Court regarding the maintainability of the instant petition.

3. The Petitioner has been duly heard, and the petition's contents have been meticulously scrutinized. From its inception, the petition embodies the nature of public interest litigation (pro bono publico). Public interest litigation provides a mechanism for the redressal of public grievances directly through constitutional courts, circumventing traditional litigation avenues. However, this Court's powers in public interest litigation are circumscribed and not absolute. Courts entertain such cases under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973. It is imperative that a writ can only be issued if the litigant demonstrates the absence of any other adequate remedy and establishes that he is an aggrieved person as defined by law.

4. In the present case, the Petitioner's claim is fundamentally administrative in nature, encompassing the transfer of police officials and the inquiry into the posting of a Deputy Superintendent of Police (DSP). Matters of this nature typically fall within the realm of administrative discretion vested in the relevant authorities and, in isolation, do not constitute an infringement of fundamental rights. The Supreme Court of Pakistan has consistently held that administrative matters are non-justiciable under Article 199 of the Constitution, except where they involve a palpable violation of fundamental rights or statutory provisions. The record reveals that the Petitioner has already submitted an application/letter to the Inspector General of Sindh Police and other pertinent authorities, seeking the implementation of Order No. 8854-61/V/T-VI, dated 20.4.2023. The application/letter was dispatched via TCS, with the Petitioner annexing the TCS receipts and delivery confirmation reports, indicating that the application/letter was delivered to the respondents on 17.5.2023. Despite this, the Petitioner, without awaiting the resolution of the aforementioned application/letter, filed the instant petition on 24.5.2023. The relief sought by the Petitioner, which includes the transfer of specific police officials and the inquiry into the DSP's posting, unequivocally falls within the administrative discretion of the relevant authorities. This Court is disinclined to interfere with such administrative decisions absent a clear violation of law or a breach of fundamental rights, neither of which has been established in this instance. Furthermore, while the concern regarding the sale of prohibited substances is genuine and significant, the Petitioner has failed to substantiate how the respondents' inaction violates his fundamental rights. Alternative legal remedies exist to address this issue, such as lodging a formal complaint with the appropriate law enforcement authorities.

5. In light of the above discussion, we find that the presented petition does not warrant judicial intervention. Therefore, the same is not maintainable and is, thus, **dismissed** in *limine* along with pending miscellaneous applications.

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