

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. D-296 of 2025

(Ahmed Raza v Province of Sindh & others)

Date	Order with signature of Judge(s)
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Before:

Mr. Justice Muhammad Karim Khan Agha
Mr. Justice Adnan-ul-Karim Memon

Date of hearing and order:- 28.01.2025

Mr. Irfan Hasnain advocate for the petitioner.

ORDER

Adnan-ul Karim Memon, J: Through this constitutional petition, Petitioners have prayed as follows:

1. *Declare that the transfer order dated 14.05.2024 passed by respondent No.4 through his subordinates, is illegal ab initio void based on the mala fide intention and enmity.*
2. *Declare that the said salary stop order with the effect of 01.05.2024 is illegal.*
3. *Declare that the passed notice dated 04.01.2025 for vacation of accommodation allotted quarter No. vide No. 31A/CE Sector 7-C Qatar Compound Orangi Town Karachi is illegal ab initio void based on the mala fide intention and enmity.*

2. The Petitioner, a Dispenser (BS-9), has been working for the department in health department government of Sindh since 2012. He was transferred on 14.5.2024, allegedly due to a complaint he filed about corruption at Qatar Hospital.

3. The petitioner's counsel argues that the petitioner is a civil servant and he was allotted quarter No. 31-A/CE Sector 7-C in Qatar Compound, Orangi Town, Karachi, with proper authorization. The petitioner and his family have resided there since September 29, 2022, and his children attend schools in the vicinity. The petitioner's counsel alleges that Respondent No.4 stopped the petitioner's salary on May 1, 2024, as a form of harassment and retaliation for his complaints about corruption within the department. This salary stoppage is considered illegal and motivated by malice. He was transferred on 14.5.2024, to a location far away from his place of posting with mala fide intentions and his ordeal continued up till now. On January 10, 2025, the petitioner issued a legal notice to the MS Qatar Hospital and other corrupt staff who attempted to evict him. He requests that the instant petition be granted.

4. We have heard the learned counsel for the Petitioner on the maintainability of the petition and have perused the material available on record.

5. Generally, civil servants have limited avenues to challenge transfers. The appropriate forum for challenging a transfer order is the Service Tribunal. This is because transfer orders are typically considered within the administrative discretion of the employer. However, there may be exceptions in cases where the transfer is motivated by malice, personal vendetta, or discrimination against the employee, they may have grounds to challenge before the appropriate forum.

6. The High Court's jurisdiction under Article 199 of the Constitution is limited by Article 212. This means the High Court cannot interfere in matters falling within the exclusive domain of tribunals established under the 1974 Act. Even pleas regarding fundamental rights violations by civil servants do not automatically confer jurisdiction on the High Court under Article 199. On the aforesaid proposition, we are guided by the decision of the Supreme Court in the case of *I. A. Sherwani v. Government of Pakistan* (1991 SCMR 1041).

7. Given the legal analysis on the subject issue, we are of the view that the claim of the petitioner against the officials of the respondent department, from that angle is not legally sound, corruption in the respondent department is to be looked into by the administrative head and this court cannot dilate upon such issue under Article 199 of the Constitution.

8. This petition is found to be not maintainable and is dismissed accordingly with pending application (s).

JUDGE

JUDGE