

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-4995 of 2026
(Muhammad Akram Bhutto versus Federation of Pakistan & others)

Date	Order with signature of Judge
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Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Jaffer Raza

Date of hearing and decision: 10.8.2026

Malik Naeem Iqbal, Advocate for the petitioner

ORDER

Adnan-ul-Karim Memon, J. Petitioner has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking the following relief: -

- i. Declare the impugned Order dated 15.07.2026 passed by the Respondent No.2 as null and void, without lawful authority and of no legal effect, and set aside the same;*
- ii. Declare that the earlier Notification dated 11.02.2026 stands quashed and cannot be maintained;*
- iii. Direct the Respondents to allow the Petitioner to continue performing duties as Director (SPS-19), BISP Central Zone Sindh Region, Karachi, in accordance with the Wedlock Policy till the completion of the deputation period or till regular absorption, whichever is earlier,*
- iv. Restrain the Respondents, their officers, agents or anyone acting on their behalf from relieving the Petitioner from BISP Sindh or from taking any adverse/coercive action against him till completion of the deputation period;*

2. The petitioner, a BS-19 officer of the Secretariat Group, Civil Service of Pakistan, challenges the impugned order dated 15.07.2026 whereby his earlier repatriation notification dated 11.02.2026 was maintained. The petitioner's wife, a PAS officer, is posted in Karachi, where their two minor daughters are also studying. On account of these family circumstances, the petitioner applied for posting at Karachi on wedlock/family hardship grounds and was subsequently deputed and posted as Director (SPS-19), BISP Central Zone, Karachi.

3. We asked the counsel to satisfy this court about the maintainability of the petition in terms of the ratio of the decision of the Honorable Federal Constitutional Court in CPLA 760 P-20225 vide order dated 9.2.2026.

4. Learned counsel submits that the judgment is relevant but distinguishable on facts. He added that the principal question is whether the petitioner's deputation to BISP, Karachi, was actually granted under the Wedlock Policy or was merely preceded by a request based on family circumstances. He adds that

the official record establishes that the deputation was specifically granted under the Wedlock Policy, and the petitioner's case is distinguishable from the present judgment, particularly because the deputation had not exceeded the prescribed period and the petitioner is not seeking perpetual deputation. He requests for treating the case of the petitioner based on the Wedlock Policy, which is recognized by the decisions of the Supreme Court in its latest verdict. Therefore, once the policy is demonstrably attracted, the competent authority must consider the employee's case fairly and in accordance with the policy, the service rules and administrative exigencies.

5. The petitioner's counsel on merits contends that although the Central Zone was created at par with the other zones, BISP failed to provide him with the necessary job description and administrative powers. Despite this, he was made responsible for eleven districts. His competence was also acknowledged when he was appointed Look-after Director General, BISP Sindh, though the charge was withdrawn within a day without assigning any reason. The petitioner maintains that his performance was, in fact, satisfactory and that the adverse assessment is unsupported by the actual performance data. The petitioner was subsequently repatriated vide notification dated 11.02.2026 without show-cause notice or hearing. He challenged the same in C.P. No. D-2438 of 2026, where this Court suspended the notification and, by order dated 18.05.2026, remanded the matter to the competent authority for fresh decision strictly in accordance with law and the applicable policy. After providing hearings, the respondents passed the impugned order dated 15.07.2026, maintaining the repatriation principally on the grounds that the deputation was not expressly processed under the Wedlock Policy and that his performance was unsatisfactory. The counsel for the petitioner asserts that the impugned order disregards the Court's remand directions and unlawfully ignores the Wedlock Policy. He argues that the policy was attracted by the circumstances in which his posting was sought and granted, particularly as his spouse was already posted in Karachi and his family was residing there. Under the applicable policy, spouses posted at one station are not ordinarily to be disturbed except for compelling reasons of public interest, which have neither been established nor recorded. He further contends that the alleged unsatisfactory performance is untenable because he was denied the administrative powers necessary to perform his duties and because his actual performance figures demonstrate substantial achievement. The counsel for petitioner further relies upon the judgments of the superior Courts holding that the Wedlock Policy creates a legitimate expectation and protects family life. He alleges that the respondents relied upon post-remand performance reports which were not properly confronted to him and thereby acted contrary to the directions of this Court. He, therefore, contends that the impugned order is arbitrary,

discriminatory, mala fide, without lawful authority and violative of the principles of natural justice. Accordingly, the petitioner seeks setting aside of the impugned order dated 15.07.2026 and the earlier repatriation notification dated 11.02.2026, with a direction to permit him to continue as Director (SPS-19), BISP Central Zone, Karachi, for the remainder of his deputation period or until regular absorption, and to restrain the respondents from relieving him or taking adverse action against him in the meantime.

6. We have heard the learned counsel for the petitioner on the maintainability of the petition and perused the record with his assistance.

7. The petitioner, Muhammad Akram Bhutto, officer of the Secretariat Group, Civil Service of Pakistan, was deputed to the Benazir Income Support Programme (BISP) pursuant to the Establishment Division's notification dated 18.04.2025 and assumed charge on 30.04.2025. He was subsequently repatriated to his parent department vide notification dated 11.02.2026. He challenged the repatriation before this Court, which, vide order dated 18.05.2026 in C.P. No. D-2438 of 2026, remanded the matter to the competent authority for fresh consideration in accordance with law and the applicable policy, with the further direction that the comments earlier filed by the respondents should neither prejudice nor influence the decision. In compliance with the Court's directions, the petitioner was afforded personal hearings on 30.06.2026 and 01.07.2026 and was allowed to rebut the material relied upon by the administration. The competent authority examined the service and deputation record, requisition, Establishment Division notification, NOC, joining order, monitoring reports, fact-finding material and performance assessments. The petitioner principally submitted that his deputation had been made under the Wedlock Policy; that his repatriation was arbitrary and contrary to the policy, and that his performance throughout the deputation remained satisfactory. Upon reconsideration, the competent authority vide order dated 15.7.2026 found that none of the official documents relating to the petitioner's deputation contained any reference to the Wedlock Policy and, therefore, the record did not establish that his deputation had been processed or approved under that policy. It was further observed that deputation is a temporary administrative arrangement and does not confer an enforceable right to continue for its entire period where the competent authority considers repatriation to be in the organizational interest. The authority also relied upon the performance assessments placed on record, which were considered unsatisfactory by the former as well as the incumbent Director General, Sindh Region. Consequently, the Secretary, BISP concluded that no legal or factual ground existed for recalling or modifying the notification dated 11.02.2026 and, in compliance with this Court's order dated 18.05.2026, maintained the petitioner's repatriation to his parent department.

8. The Federal Constitutional Court (FCC) vide order dated 9.2.2026 held that deputation is essentially a temporary administrative arrangement and does not confer any vested right upon a civil servant to continue on deputation, seek its indefinite extension, or obtain permanent transfer or absorption at the station where his or her spouse is posted. Although the Wedlock Policy is a beneficial administrative measure intended to facilitate spouses serving at the same station, it does not override the applicable service rules or dispense with the consent of the parent and borrowing departments. Even where the policy permits relaxation of the ordinary five-year limit of deputation, such relaxation does not create an automatic or perpetual right to remain on deputation. Continuation remains subject to administrative exigencies and the discretion of the competent authority.

9. The Honorable FC Court further held that the Wedlock Policy is a policy and not a statutory right. Articles 35 and 36 of the Constitution, being Principles of Policy, do not independently create an enforceable right to a particular posting or deputation. Accordingly, it was held that the Courts should not ordinarily substitute their discretion for that of the competent authority in matters of transfer, posting and deputation, unless the action is contrary to law, mala fide or otherwise legally defective. The FC Court, therefore, declined to treat the Wedlock Policy as creating an absolute right to remain at the spouse's station and dismissed the petition. Thus, the controlling principle is that the Wedlock Policy creates an entitlement to consideration, not an absolute right to a particular posting or indefinite continuation on deputation.

10. Since the respondents have declined the posting of the petitioner based on the Wedlock Policy, this Court cannot substitute its discretion for that of the competent authority in matters of transfer, posting and deputation, unless the action is contrary to law, mala fide or otherwise legally defective, for which the petitioner has failed to demonstrate the same for particular posting at particular place based on such deputation.

11. The petitioner has failed to establish any vested or enforceable right to continue on deputation at BISP, Karachi, under the Wedlock Policy. The official record, including the requisition, Establishment Division notification, NOC and joining order, contains no reference establishing that his deputation was sanctioned under the Wedlock Policy; therefore, his family circumstances or request for posting at Karachi cannot, by themselves, confer such a right. The competent authority, in compliance with this Court's order dated 18.05.2026, afforded the petitioner personal hearings on 30.06.2026 and 01.07.2026, considered the relevant service, deputation and performance record, and thereafter maintained his repatriation vide order dated 15.07.2026, inter alia, on the basis of adverse performance assessments. The petitioner's challenge to the assessment is

essentially a matter of administrative evaluation, and in the absence of mala fide, arbitrariness, violation of statutory rules or denial of natural justice, this Court cannot substitute its own view for that of the competent authority.

12. The ratio of the Hon'ble Federal Constitutional Court in C.P.L.A. No.760-P/2025 dated 09.02.2026 is clear that deputation is a temporary administrative arrangement and the Wedlock Policy, though beneficial and relevant for consideration, does not confer an absolute or vested right to a particular posting, continuation on deputation or its extension; even where the policy permits relaxation of the ordinary deputation period, continuation remains subject to the applicable rules, consent of the competent authorities and administrative exigencies. The fact that the petitioner's spouse is posted at Karachi and his children are studying there may constitute humanitarian considerations but cannot curtail lawful administrative discretion. The petitioner's attempt to distinguish the FCC judgment merely because his deputation has not exceeded five years or because he seeks continuation only for the remaining period is misconceived, as the principle applies equally to any claim of continued deputation. Since the competent authority reconsidered the matter independently, afforded due opportunity of hearing, examined the relevant record and passed a reasoned decision, no jurisdictional defect, mala fide, violation of law or denial of natural justice has been demonstrated.

13. This Court, therefore, cannot substitute its discretion for that of the competent authority in a matter of transfer, posting and deputation; consequently, the impugned order dated 15.07.2026 and repatriation notification dated 11.02.2026 do not warrant interference under Article 199 of the Constitution, and the petition is accordingly dismissed in limine alongwith listed applications.

JUDGE

JUDGE

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