

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

Writ Petition No. 3463 of 2019

Khalid Hussain
Vs
The President, ZTBL, etc.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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01. 10-10-2019. Sardar Ghulam Sajjad Khan Gopang, Advocate
for the petitioner.

Through this petition the petitioner has
assailed orders, dated, 20.11.2017 and
31.07.2019.

2. The facts, in brief, are that the petitioner
was transferred and his services were placed at
the disposal of Zonal Chief of ZTBL,
Bahawalnagar, vide order, dated 20.11.2017.
The petitioner filed a representation, dated
22.10.2018. The petitioner through Writ
Petition no. 4944/2018 challenged his transfer
order to Bahawalnagar and the said petition
was disposed by a learned Division Bench of
this Court vide order, dated 30.05.2019.
Pursuant to the said order, the petitioner was
afforded opportunity of hearing and
consequently the competent authority passed
orders which were communicated to the

petitioner vide order, dated 31.07.2019. The relevant portion of the said order is as follows:

"During personal hearing on the above scheduled date, the petitioner has shown his grievances on the inquiry previously conducted and requested to conduct afresh independent inquiry on the matter. The competent authority has agreed on consent given by the petitioner and directed concerned quarter to reinvestigate the matter by deputing a reputable officer and submit the fact findings so that grievances of the petitioner could be redress accordingly. Furthermore, the competent authority has also decided to reconsider his transfer and posting from Punjab to Sindh Province after banned period going to be ended in April, 2020."

3. The learned counsel for the petitioner has been heard. The learned counsel, despite his able assistance, was not able to satisfy this Court that the order, dated 21.07.2019 suffers from any legal infirmity. The relevant portion of the said order has been reproduced above and it clearly shows that the grievances of the petitioner were not only considered but duly redressed. It is settled law that a High Court while exercising jurisdiction under Article 199 of the Constitution of the Islamic Republic of

Pakistan, 1973 does not interfere with the posting and transfers made by the competent authority except when it can be demonstrated to the satisfaction of the Court that the orders were passed on the basis of malafide. In the case in hand the grievances of the petitioner were not only considered but have also been redressed. The competent authority vide order, dated 31.07.2019 has given an assurance that the petitioner's request for his transfer to the Province of Sindh would be considered after lapse of embargo.

4. For the above reasons, this petition is without merit and, therefore, accordingly dismissed.

(MIANGUL HASSAN AURANGZEB) (CHIEF JUSTICE)
JUDGE

Announced in the open Court on 01-01-2020.

Judge

(CHIEF JUSTICE)