Transfer and Posting of Civil Servants under Pakistani Law

Section 10 of the Civil Servants Act, 1973, the Wedlock Policy and Article 212 of the Constitution (1996–2025)

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Abstract

This paper examines 27 reported judgments on transfer and posting — 9 of the Supreme Court of Pakistan, 11 of the Peshawar High Court and 7 of the other High Courts (Sindh, Lahore and Balochistan), decided between 1996 and 2025 — collected on the Pakistan Law Site. It covers the civil servant's liability to serve anywhere, the bar of Article 212 on writ petitions, transfers ordered by Ministers and members of the Assembly, out-of-cadre and own-pay-scale postings, the wedlock policy, deputation, posting as Officer on Special Duty, and pay during a stay of transfer. The main finding is that the Peshawar High Court has consistently refused writ petitions against transfers because they concern terms and conditions of service within the exclusive jurisdiction of the Service Tribunal (2016 PLC(CS) 24; PLD 2000 Peshawar 1; 1997 PLC(CS) 242), while the Supreme Court has set aside transfers made without lawful authority by a Minister (2018 SCMR 1411) or with mala fide intent through an out-of-cadre posting (1999 SCMR 755).

Keywords: transfer; posting; section 10 Civil Servants Act; Article 212; Service Tribunal; wedlock policy; political influence; out of cadre; own pay and scale; deputation; Officer on Special Duty; Peshawar High Court; Supreme Court of Pakistan.

1. Introduction

Transfer orders are the most common grievance of government servants in Khyber Pakhtunkhwa, and the most common reason for a writ petition being dismissed in limine. The practical questions are these. Is a civil servant bound to serve wherever he is posted? Can he challenge a transfer in the High Court? Who has power to order a transfer — the department or a Minister? Is a transfer at the instance of a member of the Assembly lawful? When is an out-of-cadre or own-pay-scale posting illegal? What does the wedlock policy protect? And what happens to a deputationist or an officer kept on special duty? The answers are drawn first from the reported judgments of the Supreme Court of Pakistan and the Peshawar High Court, and then from the important judgments of the other High Courts.

2. Sources and Method

All research was done on the Pakistan Law Site only. Keyword searches (transfer and posting, section 10, wedlock policy, out of cadre, own pay and scale, deputation, Officer on Special Duty) were run over all years. Priority was given to the Supreme Court and the Peshawar High Court; important judgments of the other High Courts (Sindh, Lahore and Balochistan) were then added. All results were screened for an actual holding on transfer or posting; judgments on initial appointment, seniority or promotion that the search also returned were left out. For all 27 judgments kept, the reported text was opened on the site to take the bench, case number and date and to check the headnote against the operative part; where they differed, the operative part was followed. Every proposition in Parts 3 to 5 is taken from one or more of these judgments and carries its citation.

3. The Law in Phases

3.1 Liability to serve anywhere

A civil servant can be transferred and is liable to serve anywhere, subject to the rider that his pay must not be less favourable than before the transfer (1999 SCMR 755). Posting and transfer are a part of the terms and conditions of service, and a civil servant may be transferred anywhere during his service (2016 PLC(CS) 24). A civil servant who had remained at one station for more than eight years, well beyond the normal three-year tenure, and was transferred for administrative reasons, failed because he could not prove mala fides (1999 SCMR 2482).

3.2 The bar of Article 212

Matters of transfer and posting relate to terms and conditions of service and fall within the exclusive jurisdiction of the Service Tribunal (2002 PLC(CS) 675). Article 212 explicitly ousts the jurisdiction of all courts, including the High Court, in such matters (2012 PLC(CS) 1187; 2016 PLC(CS) 24). A school teacher transferred seventeen days after his posting, allegedly under political pressure, could not invoke Article 199, and the Peshawar High Court deprecated the tendency to file writ petitions in such matters (PLD 2000 Peshawar 1). The same bar applied to a petitioner who said his transfer violated the spousal policy; he was left to approach the competent forum within time (2013 PLC(CS) 153). A constitutional petition by a civil servant challenging his posting and transfer was held incompetent and dismissed (1997 PLC(CS) 242). Where three transfer orders were passed within two months, one of them obtained by the petitioner herself through political influence, the High Court dismissed her petition and sent her to the proper forum (1997 PLC(CS) 1002). The Supreme Court has disapproved of a High Court suspending a transfer in writ jurisdiction without first examining whether the petition was barred by Article 212 (1998 SCMR 436).

3.3 Who may order a transfer

Rule 6(1) of the Balochistan Government Rules of Business, 2012 did not give a Minister the power to post and transfer civil servants, and a notification conferring that power could not sustain the transfer (2018 SCMR 1411). The Supreme Court set aside a teacher's transfer made on the recommendation of a member of the Provincial Assembly and restored the earlier order of the Director of Primary Education (2007 SCMR 599). Where a petitioner alleged that his transfer was made at the instance of the Minister for Revenue, the Peshawar High Court directed the departmental authority to decide his representation within one month (2007 PLC(CS) 1091). Where a representation against transfer had not been forwarded through the proper channel, the Supreme Court directed that it be decided and suspended the transfer orders meanwhile (1999 SCMR 2538).

3.4 Out-of-cadre and own-pay-scale postings

An out-of-cadre transfer designed only to deprive a civil servant of the benefit of the upgradation of his post is mala fide and is not a transfer simpliciter (1999 SCMR 755). Where a Deputy Director was posted as Director in his own pay and scale although the post was to be filled by promotion on seniority-cum-fitness, the Peshawar High Court directed that the post be filled in accordance with law within two months (2018 PLC(CS)N 112). A public-spirited person may challenge own-pay-scale and acting-charge postings to posts reserved for other service groups by a writ of quo warranto, and the Peshawar High Court directed that such postings be made only in accordance with the laws, rules and instructions (2026 PLC(CS) 893).

3.5 The wedlock policy

Transfer and posting are within the discretion of the competent authority but must be made in the public interest and on the basis of fairness (2026 PLC(CS) 1243). The wedlock policy is designed to protect marriage and the family, and nothing in it limits the period for which a wedlock posting may be maintained (2026 PLC(CS) 1243).

3.6 Deputation

Deputation is an administrative arrangement between the borrowing and lending departments, and a deputationist has no vested right to remain on deputation for the full period; his petition against early repatriation was dismissed in limine (2024 PLC(CS) 1411).

3.7 Officer on Special Duty

Service as an Officer on Special Duty counts as service for all practical purposes, and an officer who retired while posted as such had no right to extension or re-employment for that period (2009 SCMR 1448).

3.8 Pay during a stay of transfer

Where there is no work there is no pay; a civil servant who obtained a stay against his transfer but did not work could not resist recovery of the salary drawn for the period of absence (2003 SCMR 228).

3.9 The other High Courts

Transfer and posting fall within the exclusive domain of the competent authority, no employee may claim a posting of his choice, and courts interfere only for mala fides, breach of rules or patent illegality (2025 PLC(CS) 1192 Sindh). A petitioner with no nexus to transfers cannot ask the High Court to stop them, because only an aggrieved person may invoke Article 199 (2024 PLC(CS) 849 Balochistan). The Balochistan High Court has also held writ petitions against transfers barred by Article 212 (2024 PLC(CS) 297 Balochistan). The Lahore High Court applied the same bar to a Headmistress's transfer, directing her first to the department and then to the Punjab Service Tribunal (2025 PLC(CS) 1542 Lahore). A transfer within eight days was upheld where the tenure protection relied on was in a repealed Act with no saving clause (2026 PLC(CS) 871 Lahore). The Sindh High Court held that a transfer to a post that does not exist at the new station prejudices the officer, and directed that he be considered there for promotion (2024 PLC(CS) 954 Sindh). An employee whose appointment letter allowed posting anywhere in Pakistan could not obtain an injunction against transfer (2023 PLC(CS) 202 Sindh).

4. Where the Authorities Conflict or Leave a Gap

4.1 Writ or Tribunal. The Peshawar High Court has dismissed writ petitions against transfers under Article 212 (2016 PLC(CS) 24; 2002 PLC(CS) 675), yet it has entertained a quo warranto against own-pay-scale postings (2026 PLC(CS) 893) and directed decision of a representation (2007 PLC(CS) 1091). The line in these cases is between a civil servant's personal grievance and a challenge to the legality of a posting made by a public-spirited person; the cases collected do not state the line in those words.

4.2 Political influence. 2007 SCMR 599 set aside a transfer made at an Assembly member's recommendation; PLD 2000 Peshawar 1 refused to hear a similar complaint in writ. The two are consistent because the first came through the Service Tribunal and the second through Article 199.

5. Practical Guide

5.1 For the civil servant

- **File a departmental representation and then a Service Tribunal appeal;** do not file a writ against a transfer (2016 PLC(CS) 24; PLD 2000 Peshawar 1).
- **Plead the authority:** a transfer by a Minister without power under the Rules of Business can be set aside (2018 SCMR 1411).

- **Plead mala fides with particulars and evidence** (1999 SCMR 2482; 1999 SCMR 755).
- **Rely on the wedlock policy where it applies;** it has no time limit (2026 PLC(CS) 1243).
- **Do not stop working on the strength of a stay** without being allowed to perform duty (2003 SCMR 228).

5.2 For the department

- **Make transfers through the competent authority under the Rules of Business** (2018 SCMR 1411).
- **Avoid out-of-cadre and own-pay-scale postings** except in accordance with the rules (1999 SCMR 755; 2018 PLC(CS)N 112; 2026 PLC(CS) 893).

6. Conclusion

A civil servant must serve wherever posted (1999 SCMR 755; 2016 PLC(CS) 24), and his remedy against a transfer lies before the Service Tribunal, not the High Court (2002 PLC(CS) 675; 1997 PLC(CS) 242). Transfers fail when made without lawful authority (2018 SCMR 1411), on political recommendation (2007 SCMR 599), or out of cadre to defeat the civil servant's rights (1999 SCMR 755).

Annexure A — The Judgments in Question and Answer Form

All 27 judgments relied on, Supreme Court first, then the Peshawar High Court and then the other High Courts, newest first within each court. Each entry gives the citation, parties, bench, case number and date of decision as reported on the Pakistan Law Site, followed by the question decided and the answer. Every entry was checked against the full reported text.

Supreme Court

1. 2026 PLC(CS) 1243 — Mubashir Iqbal Zafar v. Ministry of Defence

Before: Munib Akhtar and Ayesha A. Malik, JJ; C.P.L.A. No. 4701 of 2024, decided 4 December 2025

Q. Does the wedlock policy limit how long a wedlock posting may last?

A. No; transfer must be fair and in the public interest, and the policy protects the family without a time limit.

2. 2018 SCMR 1411 — Khan Muhammad v. Chief Secretary, Government of Balochistan

Before: Gulzar Ahmed, Qazi Faez Isa and Sajjad Ali Shah, JJ; Civil Petition No. 2812 of 2017, decided 22 May 2018

Q. Can a Minister post and transfer civil servants?

A. Not under Rule 6(1) of the Rules of Business, 2012. Petition converted into appeal and allowed.

3. 2009 SCMR 1448 — Sajjad Ahmad Javed Bhatti v. Federation of Pakistan

Civil Petition No. 1546 of 2008, decided 21 April 2009

Q. Is an officer kept as O.S.D. entitled to extension for that period after retirement?

A. No; O.S.D. service is service for all purposes. Leave refused.

4. 2007 SCMR 599 — Roshan Khan, SET, Government High School Kuz Pao v. respondents

Before: Sardar Muhammad Raza Khan and Nasir-ul-Mulk, JJ; Civil Petition No. 747-P of 2004, decided 3 October 2006

Q. Can a teacher be transferred on the recommendation of a member of the Provincial Assembly?

A. No. Appeal allowed and the earlier order of the Director of Primary Education restored.

5. 2003 SCMR 228 — Syed Niaz Hussain Shah Bukhari v. Oil and Gas Development

Before: Syed Deedar Hussain Shah and Tanvir Ahmed Khan, JJ; C.P.L.A. No. 51 of 2002, decided 11 September 2002

Q. Is salary payable for absence during a stay against transfer?

A. No work, no pay. Leave refused.

6. 1999 SCMR 2482 — Ehsan Elahi Cheema v. Secretary Health

Before: Sh. Ijaz Nisar and Munir A. Sheikh, JJ; C.P.L.A. No. 1697-L of 1998, decided 22 January 1999

Q. Can a civil servant posted eight years at one station resist an administrative transfer?

A. Not without proving mala fides. Leave refused.

7. 1999 SCMR 2538 — Muhammad Saleem Mirza v. respondents

Before: Khalil-ur-Rehman Khan and Munir A. Sheikh, JJ; C.P.L.A. No. 1224-L of 1998, decided 27 August 1998

Q. What if a representation against transfer was not forwarded through the proper channel?

A. It must be decided; transfer orders suspended meanwhile. Appeal disposed of by consent.

8. 1999 SCMR 755 — Masood Ahmad v. Taj Muhammad Baloch

Before: a Bench headed by Saiduzzaman Siddiqui, Actg. CJ; Civil Appeals Nos. 1620 and 1621 of 1995, decided 15 December 1998

Q. Is an out-of-cadre transfer to defeat upgradation lawful?

A. No; it is mala fide and not a transfer simpliciter. Tribunal's orders maintained; appeals dismissed.

9. 1998 SCMR 436 — Faiz Ahmed v. Government of the Punjab

Before: Ajmal Mian and Mukhtar Ahmad Junejo, JJ; C.P.L.A. No. 1485-L of 1996, decided 27 January 1997

Q. Can the High Court suspend a transfer without considering Article 212?

A. No. Case remanded; High Court to expedite the writ petition.

Peshawar High Court

10. 2026 PLC(CS) 893 — Mohammad Arshad v. Provincial Government of Khyber Pakhtunkhwa

Before: Syed Arshad Ali and Muhammad Fahim Wali, JJ; Writ Petition No. 5598-P of 2023, decided 17 October 2024

Q. Can a public-spirited person challenge own-pay-scale postings to reserved posts?

A. Yes, by quo warranto; such postings must follow the laws, rules and instructions.

11. 2024 PLC(CS) 1411 — Shahid Gul v. Government of Khyber Pakhtunkhwa

Before: Ijaz Anwar and Shakeel Ahmad, JJ; Writ Petition No. 2433-P of 2024, decided 15 May 2024

Q. Has a deputationist a right to complete his deputation?

A. No. Petition dismissed in limine.

12. 2018 PLC(CS)N 112 — Munawar Khan v. Government of Khyber Pakhtunkhwa

Before: Ijaz Anwar and Waqar Ahmad Seth, JJ; W.P. No. 4696-P of 2016, decided 6 April 2017

Q. Can a Deputy Director be posted as Director in his own pay and scale where the post is filled by promotion?

A. No; the post to be filled in accordance with law within two months. Petition allowed.

13. 2016 PLC(CS) 24 — Muhammad Naveed v. Government of Khyber Pakhtunkhwa (Abbottabad Bench)

Before: Muhammad Younis Thaheem, J; Writ Petition No. 886-A of 2014, decided 23 December 2014

Q. Can a transfer be challenged in writ?

A. No; it is a term of service and Article 212 bars the High Court. Petition dismissed in limine.

14. 2013 PLC(CS) 153 — Naheed Jan v. Additional Chief Secretary (FATA)

Before: Waqar Ahmad Seth and Shah Jehan Akhundzada, JJ; Writ Petition No. 1875-P of 2012

Q. Can a breach of the spousal policy be raised in writ?

A. No; Article 212 bars it, and the petitioner may approach the competent forum within time. Petition dismissed.

15. 2012 PLC(CS) 1187 — Ikramullah Khan v. Government of Khyber Pakhtunkhwa (Bannu Bench)

Before: Nisar Hussain Khan and Qaiser Rashid Khan, JJ; Writ Petition No. 475-B of 2011, decided 1 February 2012

Q. Can the vires of a transfer notification be challenged under Article 199?

A. No; Article 212 ousts the jurisdiction. Petition dismissed.

16. 2007 PLC(CS) 1091 — Ikram Ullah v. District Officer Revenue and Estate, Peshawar

Before: Talaat Qayum Qureshi and Ejaz Afzal Khan, JJ; Writ Petition No. 2143 of 2006, decided 15 June 2007

Q. What relief where a transfer was allegedly made at a Minister's instance?

A. The departmental authority to decide the representation within one month. Petition disposed of.

17. 2002 PLC(CS) 675 — Wilayat Ali v. Chief Secretary, N.-W.F.P.

Before: Nasirul Mulk and Khalida Rachid, JJ; Writ Petition No. 862

Q. Who decides challenges to transfer and posting?

A. The Service Tribunal exclusively. Petition dismissed in limine.

18. PLD 2000 Peshawar 1 — Muqeem Khan v. Federation of Pakistan

Before: Mian Muhammad Ajmal and Mrs. Khalida Rachid, JJ; Writ Petition No. 1003 of 1999, decided 1 July 1999

Q. Can a teacher transferred after 17 days under political pressure file a writ?

A. No; Article 212 bars it and such petitions were deprecated. Petition dismissed.

19. 1997 PLC(CS) 1002 — Rukhsana v. Gul Narges

Before: Mahboob Ali Khan and Tariq Parvez Khan, JJ; Writ Petition No. 200 of 1996, decided 22 April 1997

Q. Can a civil servant who herself used political influence challenge successive transfers in writ?

A. No; she must go to the proper forum. Petition dismissed in limine.

20. 1997 PLC(CS) 242 — Karim Shah, S.M.O. v. Government of N.-W.F.P.

Before: Mian Muhammad Ajmal and Zeenat Khan, JJ; Writ Petition No. 4 of 1996, decided 14 May 1996

Q. Is a writ against posting and transfer maintainable?

A. No; Article 212 bars it. Petition dismissed.

Other High Courts

21. 2026 PLC(CS) 871 — Muhammad Imran Irshad v. Government of Punjab (Lahore)

Before: Raheel Kamran, J; Writ Petition No. 60613 of 2025, decided 18 February 2026

Q. Can tenure protection under a repealed Act prevent an early transfer?

A. No, absent a saving clause. Petition dismissed.

22. 2025 PLC(CS) 1542 — Munnza Bibi v. Government of Punjab (Lahore)

Before: Malik Muhammad Awais Khalid, J; Writ Petition No. 73638 of 2024, heard 25 February 2025

Q. Can a Headmistress challenge her transfer in writ?

A. No; Article 212 bars it. Petition dismissed.

23. 2025 PLC(CS) 1192 — Gul Shair Jalbani v. Province of Sindh (Sukkur Bench)

Before: Zulfiqar Ali Sangi and Abdul Hamid Bhurgi, JJ; C.P. No. D-595 of 2025, decided 30 April 2025

Q. Can an employee claim a posting of his choice?

A. No. Petition dismissed in limine.

24. 2024 PLC(CS) 954 — Syed Ali Muhammad v. Federation of Pakistan (Sindh)

Before: Muhammad Junaid Ghaffar and Adnan-ul-Karim Memon, JJ; C.Ps. Nos. D-5468 and 5663 of 2023, decided 29 February 2024

Q. What if an officer is transferred to a post that does not exist?

A. It prejudices him; he is to be considered for promotion at the new station. Petitions disposed of.

25. 2024 PLC(CS) 849 — Syed Taqveem Shah v. Government of Balochistan

Before: Muhammad Hashim Khan Kakar and Iqbal Ahmed Kasi, JJ; C.P. No. 1911 of 2022, decided 12 December 2022

Q. Can a non-aggrieved person ask the Court to stop transfers?

A. No. Petition dismissed in limine.

26. 2024 PLC(CS) 297 — Abdul Rauf v. Government of Balochistan

Before: Rozi Khan Barrech, J; C.P. No. 12 of 2022, decided 12 January 2022

Q. Is a writ against a posting maintainable?

A. No; Article 212 bars it. Petition dismissed in limine.

27. 2023 PLC(CS) 202 — Tufail Ahmed Shaikh v. Federation of Pakistan (Sindh)

Before: Muhammad Shafi Siddiqui, J; Suit No. 2679 of 2021, decided 17 January 2022

Q. Can an employee liable to serve anywhere obtain an injunction against transfer?

A. No. Application dismissed.