

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**C. P. No. D-6246 of 2025**  
**(Mst. Aasima Aziz v Federation of Pakistan & others )**

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Date Order with signature of Judge

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**Before:-**

**Mr. Justice Adnan-ul-Karim Memon**

**Mr. Justice Zulfiqar Ali Sangi**

**Date of hearing and order:-16.04.2026.**

Mr. Khalid Mehboob advocate for the petitioner.  
Mr. Moiz Ahmed advocate for EOBI  
along with M/s Faiz Ahmed and Abdul Ahad Memon  
Director Law.

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**ORDER**

**Adnan-ul-Karim Memon , J** Petitioner Mst. Aasima Aziz has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking following prayer(s):-

- i) *Direct the Respondents to quash the charges framed against the petitioner in the light of the legal citation as explained in para-6 of this petition as the same is not based on the material facts, no penalty was imposed on the petitioner by the inquiry officer, rather exposed the misuse of authority at the superior level and no decision/final conclusion of the charges were made despite lapse of more than 8 years;*
- ii) *Direct to get approval of he payment cases from the Board of Trust.*
- iii) *Direct to initiate disciplinary action against those involved in misusing the power as public functionaries including chairman, Head of H.R department for their legal lapses in the regularization of matter and misguiding the concerned ministry in the payment of regular pension cases.*

2. The learned counsel for the petitioner submitted that the petitioner is a senior officer of EOBI, presently working as Director (Reconciliation), who was placed under suspension on 31.01.2017 on allegations relating to non-compliance of an order regarding pension payment to an employee. It was contended that the petitioner acted strictly in accordance with the EOBI Rules and applicable SOPs, and had declined to process payment in the absence of mandatory approval of the Board of Trustees (BOT). Despite completion of inquiry in 2017, no final decision was taken on the charge sheet for more than eight years, nor was any penalty imposed or proceedings concluded. It was further argued that the disciplinary proceedings suffered from inordinate and unexplained delay, repeated and belated opportunities of hearing, and prolonged suspension, all of which are contrary to the E&D Rules, ESTACODE instructions, and settled principles of service jurisprudence. Reliance was placed on Article 10-A of the Constitution to

contend that fair trial and due process were violated. The counsel also submitted that the inquiry report itself did not establish any misconduct attributable to the petitioner, rather it indicated lapses on the part of the HR Department in not obtaining BOT approval. It was argued that such prolonged pendency of proceedings is oppressive, prejudicial, and liable to be struck down under constitutional jurisdiction. The learned counsel further relied upon case law of the Supreme Court to submit that unexplained delay in disciplinary proceedings vitiates the entire process, and that suspension cannot be used as a punitive measure for an indefinite period. It was prayed that the charge sheet and disciplinary proceedings be quashed, the petitioner be exonerated, and appropriate relief be granted. He prayed to allow the petition.

3. On the other hand, the learned counsel for the respondents opposed the petition without filling the comments and raised preliminary objections regarding its maintainability. It was contended that the matter involves disputed questions of fact which cannot be adjudicated in constitutional jurisdiction, and that no case of mala fide, illegality, or violation of fundamental rights is made out. The respondents accordingly prayed for dismissal of the petition on the plea that civil proceedings are pending.

4. After hearing the learned counsel for the parties and perusing the record, this Court finds that the core grievance of the petitioner pertains to the inordinate delay in conclusion of departmental proceedings and prolonged suspension arising out of a charge sheet issued in 2017, despite the inquiry having been conducted in the same year.

5. It is an admitted position that the proceedings have remained pending for more than eight years without any final adjudication either in the form of exoneration or imposition of penalty.

6. The constitutional mandate under Article 10-A of the Constitution of the Islamic Republic of Pakistan, 1973, guarantees fair trial and due process, which is equally applicable to departmental proceedings having civil consequences. It is well-settled that disciplinary proceedings must be conducted and concluded within a reasonable timeframe; otherwise, prolonged and unexplained delay itself becomes prejudicial, oppressive, and violative of fundamental rights. The settled principle of service jurisprudence, as consistently laid down by the Hon'ble Supreme Court, is that unexplained delay in finalization of disciplinary proceedings vitiates the process, particularly where such delay causes continuing suspension and uncertainty in service career.

7. In the present case, the respondents have failed to offer any plausible or reasonable justification for the extraordinary delay in concluding the proceedings. The record further indicates that the inquiry report itself did not conclusively attribute misconduct of a grave nature to the petitioner, and at best pointed towards procedural lapses at the departmental level. Continued pendency of proceedings for such an extended period, coupled with repeated and intermittent opportunities of hearing, reflects administrative inaction and violates the principles of fairness, certainty, and good governance.

8. As regards the objection of maintainability raised by the respondents, it is noted that while ordinarily disputed questions of fact may not be examined in constitutional jurisdiction, the present case primarily raises a question of law regarding violation of due process, unreasonable delay, and abuse of disciplinary mechanism, which squarely falls within the ambit of Article 199 of the Constitution.

9. In view of the above circumstances, this Court is of the considered view that the prolonged and unexplained pendency of disciplinary proceedings has rendered the process unfair and oppressive, and continuation thereof serves no useful purpose. However, as to the prayer for initiation of disciplinary action against other officials, the same falls within the domain of the competent authority and cannot be directly ordered in constitutional jurisdiction without a proper inquiry mechanism being triggered.

10. Resultantly, without touching the merits of the case, as comments have not been filed. However, the petition is disposed of along with pending application(s) with the observation that the competent authority of respondents shall take a final and reasoned decision in the pending disciplinary proceedings, if any within three weeks' time, strictly in accordance with law, rules, and principles of natural justice by providing meaningful hearing to the petitioner. In case no final decision is taken within the stipulated time, the disciplinary proceedings shall be deemed to have lost their legal efficacy, subject to further remedy available to the petitioner under the law.

**J U D G E**

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