

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Constitutional Petition No. D-4818 of 2026
(Zahid versus Federation of Pakistan & others)

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

Date of hearing and order: 04.8.2026

Mr. Hameedullah Dahri advocate for the petitioner

ORDER

Adnan-ul-Karim Memon, J. Petitioner prayed that this Court to:

- a. *Declare the Final Show Cause Notice bearing No. 16/353/ANF/Civ/Discp/HQ/2024 dated 13.07.2026, along with the consequential disciplinary proceedings, including the Charge Sheet and Order of Inquiry, as unlawful, without lawful authority, and of no legal effect.*
- b. *Direct the respondents to implement, in its true letter and spirit, the order dated 11.03.2026 passed by this Court in Constitutional Petition No. D-657/2026, particularly the observation that the petitioner shall not be subjected to harassment or victimization.*
- c. *Restrain the respondents, their officers, agents, or subordinates from passing any adverse order, imposing any penalty, or taking any coercive action against the petitioner on the basis of the impugned disciplinary proceedings during the pendency of this petition.*
- d. *Grant any other relief deemed just, proper, and equitable in the circumstances of the case.*

2. The petitioner is a BPS-1 (Naib Qasid) employee of the Anti-Narcotics Force (ANF), who was appointed on a regular basis in 2010 for the Karachi Directorate. He submits that throughout his service he performed his duties honestly and diligently. In 2015, he was dismissed from service on allegations which were subsequently declared unlawful by the learned Federal Service Tribunal through judgment dated 11.10.2017 in Service Appeal No.396(K)CS/2015, whereby the dismissal order was set aside and the petitioner was reinstated.

3. The petitioner’s counsel states that after his reinstatement, the respondents developed mala fide intentions against him and continuously subjected him to harassment and victimization. In February 2024, he was transferred from MATRC Karachi to MATRC Quetta despite being a low-paid Grade-I employee recruited on a regional basis. He challenged the transfer through Constitutional Petition No. D-1010/2024. The petition was disposed of on 21.10.2025 with directions that the

competent authority should afford him a meaningful hearing and reconsider his posting in accordance with Rule 15 of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973. He added that pursuant to the Court's order, the petitioner was directed to appear before ANF Headquarters, Rawalpindi, for a personal hearing. He travelled to Rawalpindi at his own expense and remained there for about twenty-six days, but no hearing was conducted. Instead, upon his return, he was transferred to MATRC Sukkur through order dated 22.12.2025. The petitioner joined at Sukkur in compliance with the transfer order but he was subjected to humiliation, harassment, and threats by the local Incharge. He added that he was not provided proper accommodation or basic facilities, due to which his health deteriorated and he underwent medical treatment. Being the sole breadwinner of his family, comprising his aged mother, ill wife, and seven dependent children, he repeatedly requested reconsideration of his posting and sought personal hearings before the competent authorities. He submitted that despite several written applications and repeated visits to the Regional Directorate, no relief or hearing was provided. The petitioner thereafter challenged the Sukkur transfer through Constitutional Petition No. D-657/2026. The petition was dismissed on 11.03.2026 with the observation that although the petitioner could not claim a posting at a particular station, he should not be harassed by the department. In obedience to the Court's order, the petitioner rejoined MATRC Sukkur on 19.03.2026. The petitioner submits that notwithstanding the clear observations of this Court, the respondents initiated disciplinary proceedings against him by issuing a Charge Sheet and Order of Inquiry dated 16.03.2026. He submitted a detailed reply and fully participated in the inquiry proceedings. However, without fairly considering his explanation, the respondents issued the impugned Final Show Cause Notice dated 13.07.2026 in a predetermined and mechanical manner. According to the petitioner, the disciplinary proceedings are a continuation of the mala fide conduct of the respondents and have been initiated solely because he repeatedly approached the Federal Service Tribunal and this Court for redress of his grievances. The petitioner's counsel contends that the impugned proceedings are arbitrary, discriminatory, violative of the principles of natural justice, and contrary to Articles 4, 9, 18, and 25 of the Constitution. He further submits that the respondents have acted with personal bias and victimization, disregarding the caution already recorded by this Court that the petitioner should not be subjected to harassment. He, therefore, seeks setting aside of the Final Show Cause Notice and all consequential disciplinary proceedings, protection against further coercive action, and enforcement of the directions previously issued by this Court.

4. We have heard the learned counsel for the petitioner on the maintainability of the petition against the show cause notice under Article 199 of the Constitution and perused the record with his assistance.

5. The petitioner has invoked the constitutional jurisdiction of this Court primarily to challenge the Final Show Cause Notice dated 13.07.2026 and the consequential disciplinary proceedings on the grounds of mala fide, victimization, and alleged non-compliance with this Court's earlier observations. However, it is a settled principle of service jurisprudence that the issuance of a show cause notice, charge sheet, or initiation of departmental inquiry does not, by itself, amount to a penalty or constitute a final adverse order affecting the legal rights of an employee. Ordinarily, constitutional jurisdiction is not exercised at the stage of a show cause notice unless the action is shown to be patently without jurisdiction, coram non judice, or ex facie mala fide.

6. In the present case, the petitioner has yet to receive any final order, as the impugned proceedings remain pending before the competent authority. The petitioner has adequate statutory remedies available under the relevant service laws, including recourse before the Federal Service Tribunal if any final order prejudicial to his service is ultimately passed. Consequently, the constitutional petition is premature and not maintainable at this interlocutory stage against the show cause notice under Article 199 of the Constitution.

7. Nevertheless, considering the peculiar background of the case, particularly the petitioner's earlier reinstatement by the Federal Service Tribunal and this Court's observations in its order dated 11.03.2026 that the petitioner should not be subjected to harassment or victimization being low grade employee, it is expected that the respondents shall conduct the regular disciplinary proceedings strictly in accordance with law, independently evaluate the petitioner's reply, adhere to the principles of natural justice, and refrain from any mala fide or vindictive action.

8. Accordingly, without expressing any opinion on the merits of the allegations forming the subject matter of the departmental proceedings, this petition is disposed of alongwith listed applications with the observation that the respondents shall conclude the regular disciplinary proceedings fairly, transparently, and in accordance with law, while ensuring that the petitioner is not subjected to unnecessary harassment or victimization being low grade employee.

9. In the event any final adverse order is passed, the petitioner shall be at liberty to avail the appropriate statutory remedy available under the law.

JUDGE

JUDGE

