

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-212 of 2025
(Dr. Shahzad Ali versus Province of Sindh & others)

Date	Order with signature of Judge
------	-------------------------------

Before:-

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Zulfiqar Ali Sangi

Date of hearing and order: 10.2.2026

Malik Naeem Iqbal, advocate for the petitioner

Mr. Abdul Jalil Zubedi, Assistant AG

Syed M. Khurram Saud advocate for respondent No.2

Mr. Wazeer Hussain Khoso, advocate for respondent No.5

Mr. Bhuro Mal, Director (Legal Affairs), Jinnah Sindh Medical University, alongwith Registrar Dr. Azam Khan

O R D E R

Zulfiqar Ali Sangi, J. Through the instant Constitutional Petition filed under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the Petitioner, Dr. Shehzad Ali, has sought, inter alia, declaration that multiple inquiry proceedings initiated against him by different authorities on the basis of the same allegations are illegal and without lawful authority; direction for constitution of a lawful Inquiry Committee under Section 3 of the Protection Against Harassment of Women at Workplace Act, 2010 ("PHWW Act, 2010"); and restraint against the respondents from proceeding further till final adjudication of the matter.

2. Briefly stated, the controversy arises out of allegations of sexual harassment levelled by Respondent No.5, Dr. Mehreen Urooj, a postgraduate trainee at Jinnah Postgraduate Medical Centre (JPMC), against the Petitioner, who was serving as Head of Urology at JPMC and is an employee of Jinnah Sindh Medical University (JSMU). On the basis of the said allegations, inquiry proceedings were initiated and/or conducted by JPMC, JSMU, Health Department, Government of Sindh, and the Sindh Human Rights Commission (SHRC).

3. Learned counsel for the Petitioner has contended that the initiation of parallel inquiries on the same allegations is violative of Sections 3 and 4 of the PHWW Act, 2010, which contemplate

constitution of a single Inquiry Committee within the organization where the accused is employed. It is argued that such parallel proceedings offend the doctrine of election, principles of natural justice and fair trial guaranteed under Articles 4, 9, 10-A, 14 and 25 of the Constitution. It is further urged that initially the Petitioner was not supplied with copies of the complaint and supporting material, thereby impairing his right of defence. Reliance has been placed upon the judgments reported as 2024 SCMR 518, PLD 2018 Supreme Court 828 and 2025 SCMR 1916.

4. Conversely, learned counsel for Respondent No.3 (JSMU) has submitted that JSMU, being the employer of the Petitioner, is the competent authority under the PHWW Act, 2010 to conduct the inquiry. It is contended that although information and reports were received from other institutions, JSMU conducted its own inquiry proceedings. It is further submitted that during the inquiry the Petitioner admitted sending inappropriate messages, and statements of multiple witnesses corroborated allegations of unwelcome conduct and abuse of authority. Recommendations have been made in accordance with law, including reassignment and possible penalties as provided under the PHWW Act, 2010.

5. Learned counsel for Respondent No.5 has supported the impugned proceedings and submitted that the complainant was subjected to repeated harassment, including inappropriate messages and attempts at unwelcome physical contact, which are supported by documentary evidence and witness statements. The Petitioner has denied the allegations and has asserted that the complainant acted with ulterior motives.

6. We have heard learned counsel for the parties at length and have carefully examined the available record with their able assistance.

7. The principal questions requiring determination are: (i) whether multiple parallel inquiries by different bodies on the same allegations are sustainable under the PHWW Act, 2010; and (ii) which authority is competent to proceed in accordance with law.

8. The PHWW Act, 2010 is a special statute providing a complete mechanism for redressal of complaints of harassment at workplace. Section 3 mandates constitution of an Inquiry Committee by each organization, while Section 4 prescribes the procedure for inquiry. The scheme of the Act envisages a structured and organization-specific mechanism to ensure expeditious and fair adjudication. The legislative intent is clearly to avoid multiplicity of proceedings and to ensure that allegations are examined by the competent authority within the concerned organization.

9. In the present case, it is an admitted position that JSMU is the employer of the Petitioner. Therefore, for the purposes of the PHWW Act, 2010, JSMU is the competent authority to constitute and proceed through an Inquiry Committee under Sections 3 and 4 of the Act. Any parallel or overlapping inquiries by other institutions on the same set of allegations, in so far as they purport to independently determine culpability under the PHWW Act, would not be in consonance with the statutory framework and may result in procedural inconsistency and prejudice.

10. At the same time, the material placed before the Court reflects that JSMU has conducted inquiry proceedings and recorded evidence. Allegations of serious nature have been examined, and witness statements as well as electronic communications were considered. The Petitioner's grievance regarding initial non-supply of material is a matter which can be remedied within the statutory framework by ensuring full compliance with procedural safeguards under Section 4 of the PHWW Act, 2010.

11. The doctrine of principles of natural justice require that proceedings on identical allegations be consolidated before the competent forum. However, this Court cannot, in exercise of constitutional jurisdiction, substitute its own findings for those of the statutory Inquiry Committee unless patent illegality, mala fide or jurisdictional defect is established. The judgments relied upon by learned counsel for the Petitioner reiterate the settled principle that where a statute provides a specific mechanism, the same must be followed, and multiplicity of parallel proceedings is to be discouraged.

12. In view of the above, this petition is disposed of with the following directions:-

i. It is declared that Jinnah Sindh Medical University (Respondent No.3), being the employer of the Petitioner, is the competent authority under the PHWW Act, 2010 to conduct and conclude the inquiry in accordance with Sections 3 and 4 of the Act.

ii. Any parallel proceedings by other respondents on the same allegations, to the extent they seek to independently adjudicate liability under the PHWW Act, shall not proceed further, and their reports, if any, shall be treated as ancillary material only, subject to consideration by the competent Inquiry Committee of JSMU.

iii. The Inquiry Committee of JSMU shall ensure strict compliance with Section 4 of the PHWW Act, 2010 by providing the Petitioner copies of the complaint and all supporting material, affording him full opportunity to cross-examine the complainant and witnesses, and to produce defence evidence.

iv. The final recommendations, if not already implemented, shall be considered and decided strictly in accordance with law after ensuring due process.

v. Till conclusion of the proceedings by the competent authority, no independent penal action shall be taken by any other respondent on the basis of the same allegations.

13. It is clarified that this Court has not expressed any opinion on the merits of the allegations, which shall be determined by the competent authority in accordance with law.

14. The petition stands disposed of in the above terms along with pending applications if any.

JUDGE

JUDGE