

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.D-4710 of 2025
(Muzafter Rasool & others Vs Federation of Pakistan & others)

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:-09.02.2026

M/s. Abdul Wahab Baloch & Naseer Ahmed
Panhwar advocate for the petitioners.
Mr. Muhammad Sohail Muzaffar Bhatti, advocate
for Respondent No.4.
Ms. Wajiha Mehdi, DAG

ORDER

Adnan-ul-Karim Memon, J.- Petitioners have filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking the following relief(s).

- a) *Restrain the Respondents, including their successor or agents, from taking any coercive action against the petitioner and SAEP, and also restrain the respondents from vacating the premises/office of the SAEP (Society of Aircraft Engineers of Pakistan) situated at wide body hanger parking area, Jinnah International Airport, Karachi.*
- b) *Suspend the operation of the impugned letters dated 22.09.2025 and 06.01.2025, and the same may be declared null and void without lawful authority and due course of law.*
- c) *To restrain the respondents from creating hurdles, harassing pressurizing and victimizing the petitioners from doing their job/legal work at PIACL by extending threats of removal from their jobs without due process of law and irreparable loss to the reputation of the petitioners.*
- d) *The respondent No.1 may be directed to take appropriate legal action against the Respondents No.2*
- e) *It is further respectfully prayed that the respondent No.1 may kindly be directed to provide job/Service protection to the petitioners.*

2. The case of the petitioners is that they are professionally qualified Aircraft Engineers serving Pakistan International Airlines (PIACL), who joined the organization in different cadres and, after meritorious and unblemished service, were

promoted to the rank of Aircraft Engineers. Their designations are duly reflected in their service records. It is submitted that the petitioners are also elected office bearers and members of the Society of Aircraft Engineers of Pakistan (SAEP), a duly registered society under the Societies Registration Act, 1860 (Registration No. KAR-1985/1991). SAEP is a representative body of aviation engineering professionals and a founder member of Aircraft Engineers International (AEI), which is globally recognized and affiliated with international aviation regulatory standards. SAEP's legal status and recognition are duly acknowledged by the Government of Sindh and relevant authorities. However, in October 2024, SAEP elections were lawfully conducted, wherein the petitioners were elected to various positions. Since then, in their representative capacity, the petitioners raised genuine professional and safety-related concerns, including aircraft maintenance standards, airworthiness, welfare issues of engineers, pension and gratuity matters, shortage of skilled manpower, and non-compliance with national and international aviation regulations (PCAA, EASA, FAA, UK CAA).

3. Learned counsel for the petitioner submitted that multiple written representations were submitted to the competent authorities of PIACL during January to March 2025. Instead of addressing these concerns, the management, particularly Respondent No.2, initiated a campaign of harassment, victimization, and intimidation against the petitioners, including disciplinary proceedings against the President and General Secretary of SAEP on baseless and mala fide grounds. It is argued that the safety concerns raised by SAEP were also acknowledged internationally, as AEI formally wrote to the Prime Minister of Pakistan regarding aviation safety, which was responded to by the Ministry of Aviation. Furthermore, on 28-08-2025, the Secretary General of SAEP highlighted serious airworthiness and safety violations relating to a specific aircraft during base maintenance. In retaliation, Respondent No.2 issued an impugned letter seeking suspension and cancellation of licenses of SAEP office bearers, demonstrating clear mala fide intent. It is urged that the petitioners categorically deny all allegations leveled against them and submit that their actions were strictly in discharge of professional obligations and in the interest of aviation safety, without any intent to damage the image of PIACL or interfere in any privatization process. However, in continuation of harassment, Respondent No.2 unlawfully suspended entry passes of SAEP office bearers, initiated disciplinary proceedings in violation of applicable rules (EDP-2019), and created serious hindrances in the petitioners' professional duties, thereby damaging their reputation and exposing them to irreparable loss. He added that despite repeated verbal and written complaints to high constitutional functionaries, including the Prime Minister and other authorities, no corrective action was taken. Additionally, Respondent No.5 issued an unlawful notice dated 22-09-2025 directing SAEP to vacate its office

premises at Jinnah International Airport, which has been in lawful possession of SAEP for nearly two decades. He submitted that earlier attempts to seal the said office were already set aside by orders of the this Court. He next argued that the impugned actions of the respondents are arbitrary, unlawful, motivated by personal bias, and violative of the petitioners' fundamental rights, including the right to fair trial, livelihood, reputation, and freedom of association. The petitioners have no alternate adequate or efficacious remedy available, hence the filing of the present constitutional petition. He prayed to allow this petition.

4. Learned AAG, assisted by counsel for the respondents, opposed the petition and submitted that the same is misconceived, not maintainable, and liable to dismissal. It was argued that the matter relates to service and administrative issues of PIACL for which alternate adequate remedies are available, and that the petitioners have approached the Court with unclean hands by suppressing material facts. It was contended that PIACL, as employer, is legally empowered to regulate access to its operational and sensitive areas in the interest of safety and security, and that the impugned letters were issued lawfully in accordance with due process. Learned counsel for the respondents denied allegations of mala fide and submitted that disciplinary proceedings, if any, were initiated strictly under the applicable rules and do not amount to harassment. It was further argued that SAEP has no vested right to occupy PIACL premises, and notice for vacation was issued lawfully. The respondents denied any violation of fundamental rights and contended that the petition involves disputed questions of fact, is not maintainable under Article 199 of the Constitution, and seeks impermissible blanket immunity from lawful action. Accordingly, dismissal of the petition was prayed.

5. After hearing the learned counsel for the parties and perusing the record, it is claimed that the petitioners are professionally qualified aircraft engineers and elected office bearers of the Society of Aircraft Engineers of Pakistan (SAEP), who have raised concerns regarding aviation safety, professional welfare, and regulatory compliance. The petitioners claim that the respondents, particularly PIACL management, have acted with mala fide intent, initiating disciplinary proceedings, suspension of licenses, and eviction notices in retaliation to the petitioners' lawful activities, thereby allegedly violating their fundamental rights under the Constitution.

6. On the other hand, the respondents contend that all actions were taken strictly in accordance with the applicable service rules, operational requirements, and security protocols, and deny any mala fide conduct or violation of fundamental rights. They assert that alternative remedies exist for the petitioners and that the matter primarily involves service and administrative issues within PIACL.

7. In such circumstances, the competing claims and the presence of disputed questions of fact regarding the lawfulness of disciplinary actions, suspension of licenses, and eviction notices, the Court finds that these issues require detailed examination of records, service rules, and administrative procedures, which cannot be conclusively determined at the constitutional petition stage.

8. In view of the above The petition raises serious allegations but also involves disputed facts relating to service and administrative matters of PIACL. The petitioners are not precluded from availing of alternate remedies available under PIACL service regulations and applicable laws.

9. The petition is disposed of with directions that the petitioners may pursue available remedies under PIACL service and disciplinary rules. The respondents shall ensure that any actions taken against the petitioners strictly comply with the law, rules, and principles of natural justice.

JUDGE

JUDGE