

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-4435 of 2026
(Mahjabeen versus Federation of Pakistan & others)

Date	Order with signature of Judge
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Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Adnan Iqbal Chaudhry

Date of hearing and order: 17.7.2026

Mr. Athar Hussain, Advocate for the petitioner

ORDER

Adnan-ul-Karim Memon, J. Petitioner Mahjabeen has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer: -

1. *To declare that the investigation initiated by respondent No.3 is unlawful and illegal and hence of no legal effect.*
2. *To suspend the operation of the show-cause notice dated 09.7.2026.*
3. *To restrain the respondents, especially respondent No. 3, from taking coercive action.*

2. At the very outset, we asked the counsel to satisfy the maintainability of the petition against the show-cause notice and PIA.

3. Learned counsel for the petitioner submits that the petitioner is a permanent employee of Pakistan International Airlines (PIA), serving as an Air Hostess (PG-V), with an unblemished service record. He contends that the petitioner remained under treatment for a serious illness for approximately seven months and, due to her medical condition, was unable to perform her duties. It is argued that her absence was neither deliberate nor willful but solely attributable to medical incapacity. Counsel further submits that the respondents initially issued an email notice alleging unauthorized absence, to which the petitioner promptly submitted a reply. However, without considering her explanation, Respondent No.2 issued a show cause notice dated 09.07.2026 containing false allegations. He added that the petitioner thereafter filed a detailed reply along with medical certificates and other supporting documents explaining the circumstances of her absence. It is contended that the impugned show cause notice and the threatened disciplinary action, including suspension, termination, or imposition of any penalty, are arbitrary, unlawful, and violative of Articles 4 and 15 of the Constitution, as absence on account of genuine illness does not constitute misconduct. Counsel maintains that the petitioner has never been involved in any

misconduct, is willing to cooperate with the disciplinary proceedings, and that the respondents' actions are intended only to tarnish her reputation and cause financial loss. He submitted that since no adequate or efficacious alternate remedy is available, the petitioner has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution, seeking suspension of the impugned show-cause notice and restraint against coercive action. He prayed to allow this petition.

4. We have heard the learned counsel for the petitioner on the maintainability of the petition and have examined the material available on record.

5. The principal grievance of the petitioner is directed against the issuance of a show cause notice dated 09.07.2026 during the course of disciplinary proceedings. It is a settled principle of law that a show cause notice is merely an initiatory step in the disciplinary process and does not, by itself, determine or adversely affect the rights of an employee.

6. Ordinarily, constitutional jurisdiction under Article 199 of the Constitution is not invoked to challenge a mere show cause notice unless the notice is shown to have been issued without jurisdiction, in excess of statutory authority, mala fide on the face of the record, or in violation of a mandatory statutory provision. No such exceptional circumstance has been demonstrated in the present case.

7. The petitioner admittedly has already submitted a detailed reply to the show cause notice along with medical certificates and supporting documents explaining her absence from duty on account of illness.

8. The respondents are, therefore, under a legal obligation to consider the petitioner's explanation and the material produced by her strictly in accordance with the applicable service rules governing employees of Pakistan International Airlines and the principles of natural justice before arriving at any conclusion. At this stage, no final order prejudicial to the petitioner has been passed.

9. It is equally well settled that the High Court, while exercising constitutional jurisdiction under Article 199 of the Constitution, does not ordinarily interfere in pending departmental or disciplinary proceedings, particularly where the competent authority has yet to adjudicate upon the explanation submitted by the delinquent employee.

10. Interference at the stage of a show cause notice would amount to stalling the statutory disciplinary mechanism and substituting judicial review for the decision-making process of the competent authority, which is not the object of constitutional jurisdiction.

11. As regards the maintainability of the petition against Pakistan International Airlines, no material has been placed before this Court to establish that the impugned action falls within any recognized exception warranting interference under Article 199 of the Constitution at this preliminary stage. The petitioner has an adequate opportunity to defend herself before the competent disciplinary authority, and if any adverse order is ultimately passed in violation of law, she may avail such statutory remedies as may be available to her.

12. In these circumstances, we find that the petition is premature and not maintainable, as it seeks to challenge a mere show cause notice without demonstrating any jurisdictional defect, patent illegality, or violation of any mandatory statutory provision.

13. The petition is accordingly dismissed, leaving the respondents free to proceed with the disciplinary proceedings strictly in accordance with law, after affording the petitioner a fair opportunity of hearing and due consideration to her reply and supporting medical evidence. It is clarified that any observations made herein are tentative in nature and shall not prejudice either party before the competent authority on the issue of disciplinary proceedings, if any.

JUDGE

JUDGE