

IN THE HIGH COURT OF SINDH, KARACHI

C. P. NO. D-5029 / 2026

(Dr. Shazia Altaf Vs. Province of Sindh & Others)

Present:

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Muhammad Jaffer Raza

Date of hearing and order: 07.09.2026.

M/s Naeem Iqbal and Talha Abbasi, Advocates for the Petitioner.

Mr. Zohaib Sarki, Additional Attorney General.

Mr. Asad Aftab Solangi, Advocate for Respondent No. 2.

Adnan-ul-Karim Memon, J. Petitioner Dr. Shazia Altaf has filed this Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan seeking the following reliefs: -

- i. *Declare the Show Cause Notice dated 03.07.2026, the Final Show Cause Notice dated 28.07.2026, and the entire inquiry proceedings conducted against the Petitioner as null and void, without lawful authority, of no legal effect, and to set aside the same;*
- ii. *Restrain the Respondents, their officers, agents or anyone acting on their behalf from taking any adverse/coercive action against the Petitioner without holding of a regular inquiry as envisaged under the SESSI Service Regulations and the Sindh Civil Servants' (Efficiency & Discipline) Rules, 1973;*

2. The petitioner, Dr. Shazia Altaf, a Lady Medical Officer serving in SESSI, challenges the Show Cause Notice dated 03.07.2026, Final Show Cause Notice dated 28.07.2026 and the fact-finding inquiry proceedings initiated against her, contending that the same are illegal, without jurisdiction and violative of Regulation 53 of the SESSI (Service) Regulations, 2023, the Sindh Civil Servants (Efficiency & Discipline) Rules, 1973 and Articles 4, 10-A and 25 of the Constitution. She submits that she was posted on 21.01.2026 as RMO at the ART Centre of KVSS SITE Hospital, without being designated as its In-charge, and was responsible only for treatment and follow-up of patients. Following reports of HIV-positive cases among pediatric patients, a fact-finding Inquiry Committee was constituted, which required her to produce verified HIV reports and patients' confidential data. The petitioner declined to provide such information, relying upon Sections 18 and 23 of the Sindh HIV and AIDS Control, Treatment and Protection Act, 2013, which protect the confidentiality of HIV patients and prohibit unauthorized disclosure. She contends that her refusal was in compliance with law and could not constitute misconduct, negligence or dereliction of duty. She further asserts that the inquiry was merely fact-finding, as no formal charge-sheet was issued, nor was she allowed to cross-examine witnesses or produce evidence as required in a regular departmental inquiry. Since the allegations were denied, the respondents could not lawfully proceed towards a major penalty based

on the fact-finding report alone without conducting a regular inquiry under the E&D Rules, 1973. On these grounds, the petitioner seeks setting aside of both Show Cause Notices and the entire inquiry proceedings and restraint against any adverse action without following the prescribed departmental inquiry procedure.

3. Learned Counsel for the petitioner submitted that Regulation 53 of the SESSI (Service) Regulations, 2023 makes the Sindh Civil Servants (Efficiency & Discipline) Rules, 1973 applicable to disciplinary matters and that, where allegations are denied, no major penalty can be imposed without a regular departmental inquiry. He contended that a preliminary/fact-finding inquiry cannot substitute such regular inquiry. It was submitted that the petitioner was posted as RMO at the ART Centre, KVSS SITE Hospital, vide order dated 21.01.2026, without being designated as In-charge, and her duties were confined to treatment and follow-up of patients. After certain HIV-positive cases were reported among pediatric patients, SESSI constituted a fact-finding Inquiry Committee under Dr. Naila Zaheer on 12.02.2026. The Committee sought confidential HIV reports and patients' parental data, which the petitioner declined to disclose, relying upon Sections 18 and 23 of the Sindh HIV and AIDS Control, Treatment and Protection Act, 2013, which protect the confidentiality of such information. He added that despite her replies dated 05.03.2026 and 14.05.2026, the Committee proceeded, and its report became the basis of the show-cause notices dated 03.07.2026 and 28.07.2026. The petitioner replied on 20.07.2026 and challenged the proceedings as unlawful, without jurisdiction, and mala fide. They lastly prayed to allow this petition.

4. The learned AAG, assisted by the learned counsel for the SESSI, submitted that this Court had already passed an order dated 11.08.2026 in C.P. No.2984 of 2026 directing the Chief Secretary, Sindh, to conduct an inquiry and restraining further action against the delinquent official until its finalization. The learned AAG stated that the respondents are bound to comply with the said order and that no further disciplinary action could be taken until the Chief Secretary's decision is made public as directed by this Court. It was further submitted that, if the official is found guilty in the inquiry proceedings so undertaken, a fresh show-cause notice would be issued in accordance with law.

5. We have considered the submissions of learned counsel for the petitioner as well as the learned AAG assisted by learned counsel for SESSI and have examined the material placed before us.

6. Regulation 53 of the SESSI (Service) Regulations, 2023, as relied upon by the petitioner, makes the Sindh Civil Servants (Efficiency & Discipline) Rules, 1973 applicable to disciplinary matters. Under the said Rules, where a charge of

misconduct is disputed and its determination involves factual controversy, the delinquent employee is ordinarily required to be afforded a meaningful opportunity to defend himself through the prescribed departmental process. The Rules contemplate an inquiry mechanism whereby the allegations are examined on evidence and the accused is afforded an opportunity to produce his defence; a fact-finding or preliminary inquiry cannot, by itself, be treated as conclusive proof of misconduct where the disputed facts require determination through evidence. The Supreme Court has also recognized that dispensing with a regular inquiry is not justified where the charge cannot properly be established without recording evidence and affording an opportunity of cross-examination and defence.

7. The controversy in the present case is further complicated by the petitioner's reliance upon Sections 18 and 23 of the Sindh HIV and AIDS Control, Treatment and Protection Act, 2013. Section 18 imposes a statutory obligation upon health workers and persons associated with HIV-related services to prevent disclosure of confidential information, while Section 23 provides penal consequences for unauthorized disclosure of confidential health information. Thus, the petitioner's refusal to disclose confidential HIV-related information cannot, at this preliminary stage, be conclusively characterized as misconduct or dereliction of duty without first determining whether the information sought could lawfully be disclosed, whether the statutory exceptions applied, what information was actually demanded, and whether the petitioner was under a corresponding legal or official obligation to furnish it.

8. At the same time, the Court need not express any final opinion on these disputed questions at this stage. The respondents have brought on record the order dated 11.08.2026 passed in C.P. No.2984 of 2026, whereby the Chief Secretary, Sindh, was directed to conduct an inquiry and further action against the delinquent official was restrained until completion thereof. The learned AAG has categorically stated that the respondents are bound by the said order and that no further disciplinary action shall be taken until the decision of the Chief Secretary is finalized and made public in accordance with the said order. It has further been stated that, if the petitioner is ultimately found liable, a fresh show-cause notice shall be issued in accordance with law.

9. In view of the above undertaking, the immediate grievance of the petitioner regarding further coercive or adverse action stands sufficiently protected by the earlier judicial order. However, to avoid pre-empting the departmental process or record a final finding either regarding the validity of the allegations or the petitioner's defence based upon the confidentiality provisions of the 2013 Act. The competent authority shall, however, remain strictly bound by the applicable statutory framework, the SESSI Regulations, the Sindh Civil

Servants (Efficiency & Discipline) Rules, 1973, the principles of natural justice and the order dated 11.08.2026.

10. Before parting with this order it is made clear that nothing contained in this order shall be construed as an expression of opinion on the merits of the allegations or the defense raised by the petitioner.

11. Consequently, the present petition is disposed of in terms of the statement and undertaking made by the learned AAG and counsel for the SESSI, with the clarification that no adverse or coercive action shall be taken against the petitioner except in accordance with the order dated 11.08.2026 and the applicable law. In case the competent authority, after conclusion of the inquiry, proposes to proceed against the petitioner, the petitioner shall be dealt with strictly in accordance with the SESSI (Service) Regulations, 2023 and the Sindh Civil Servants (Efficiency & Discipline) Rules, 1973, including affording her the legally prescribed opportunity of defence.

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