

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P No.D-55 of 2025

[Wasiullah Bhatti vs. Federation of Pakistan and others]

C.P No.D-67 of 2025

[Muhammad Rashid Bhatti vs. Federation of Pakistan and others]

**Present: Mr. Justice Zulfiqar Ali Sangi
Mr. Justice Arbab Ali Hakro**

Petitioners by : Mr. Ishrat Ali Lohar, Advocate

Respondents by : Mr.Ghulam Sarwar Baloch, D.AG
a/w Muhammad Nouman Siddiqui
Director FIA, Karachi

Dates of Hearing : **30.01.2025**

Date of Decision : **18.02.2025**

ORDER

ARBAB ALI HAKRO, J:- The present Constitutional Petitions were filed to challenge the Call-Up Notices dated 26.12.2024, issued by the office of the Director of the Federal Investigation Agency, Karachi Zone ("Impugned Notices"), in pursuance of a Fact-Finding Inquiry regarding the Greece Boat Incident, 2023. The Petitioners were required to appear, being acquainted with the facts of the said inquiry, answer the questions as may be put to them, and record their statements.

2. Upon notice in both Petitions, Respondent No. 3, the Director of the FIA Karachi Zone, submitted his compliance report, which has been taken on record.

3. At the very outset, learned counsel for the Petitioners contended that on 20.12.2024, the competent authority issued a letter to Respondent No. 2 concerning the Fact-Finding Inquiry against the officials implicated in the Greece Boat Incident, 2023, accompanied by a list of 33 officials who were posted at FIA Immigration at Jinnah International Airport, Karachi, and suspected of involvement in the Greece Boat Incident, 2023. Counsel further submitted that, in pursuance of the Fact-Finding Inquiry letter dated 20.12.2024, Respondent No. 2 issued the Impugned Notices to the Petitioners, requiring their appearance on 27.12.2024. The Petitioners complied and submitted their responses along with documentary evidence. Counsel also contended that the letter dated 20.12.2024 included a list of 33 officials, yet the names of the Petitioners were not mentioned. Despite this,

the Petitioners were issued the Impugned Notices with malafide intentions. Additionally, it was pointed out that the Greece Boat Incident, 2023, occurred in June 2023, whereas the Petitioners had been transferred from the FIA Immigration Department, Jinnah International Airport, Karachi, on 13.02.2023. Counsel further argued that the Petitioners are being unduly subjected to the Impugned Notices, notwithstanding that their names were not cited in the initial or subsequent Fact-Finding Inquiries, therefore, the Impugned Notices should be declared illegal and without any lawful justification.

4. Conversely, the learned Deputy Attorney General (D.A.G) contended that the petition is not maintainable, as the Petitioners were only issued Impugned Notices to appear, answer questions, and record their statements. He further submitted that, at present, no investigation is ongoing against the Petitioners in connection with the Greece Boat Incident, 2023. He also submitted that the competent authority has already served Charge Sheets upon the Petitioners and is conducting a Departmental Inquiry against them and others.

5. The submissions have been thoroughly deliberated, and the existing record has been meticulously scrutinized with the invaluable assistance of the learned counsel for the parties.

6. As a matter of incontrovertible record, it stands established beyond cavil that the Petitioners, in conscientious compliance with the Impugned Notices, have duly appeared and proffered their replies thereto as delineated in the petition. It is further corroborated by the report of Respondent No. 3 that no extant investigation subsists within the jurisdictional confines of the FIA Karachi Zone against the Petitioners in connection with the matter at hand. As meticulously documented and presented, the foregoing incontrovertible facts unequivocally affirm that there exists no ongoing investigatory proceedings implicating the Petitioners within the purview of the Federal Investigation Agency, Karachi Zone's current jurisdictional mandate.

7. So far, the Departmental Proceedings against the Petitioners are concerned, which have culminated in the issuance of Charge Sheets and the Statement of Allegations; it is imperative to underscore the jurisdictional confines within which this Court must operate. The initiation and conduct of disciplinary proceedings unmistakably fall within the ambit of the terms and conditions of service of a civil servant. Consequently, the jurisdiction of this Court is unequivocally circumscribed by the imperatives of the Service Tribunals Act, 1973, as read with Article 212(2) of the Constitution of Pakistan. This legal position is fortified by the authoritative pronouncement in

the case of **Ali Azhar Khan Baloch**¹, wherein the Supreme Court of Pakistan cogently delineated the boundaries of judicial intervention in disciplinary matters.

8. In light of the prevailing jurisprudential framework, it is essential for this Court to exercise judicial restraint and refrain from intervening in the disciplinary proceedings initiated against the Petitioners. The Court's interference is justified only in cases where the disciplinary notices are manifestly illegal, lacking jurisdiction, or amount to an egregious misuse of authority. It is a firmly established legal doctrine that a notice or charge sheet does not, by itself, constitute an adverse order that infringes upon the rights of a civil/public servant. Such notices serve merely as a procedural mechanism, allowing the individual to address the allegations and present their defence. The proper avenue for the Petitioners to challenge these disciplinary proceedings is through the Service Tribunal, which holds exclusive jurisdiction over matters related to the terms and conditions of service, including disciplinary issues. Therefore, the writ jurisdiction of this Court cannot be exercised to restrain the competent authority from executing its lawful mandate against civil/public servants who face serious charges of misconduct. Any such judicial intervention would not only be disharmonious to the principles of good governance and service discipline but also impede the statutory authority's ability to conduct a thorough and fair inquiry into the allegations. The Petitioners' grievances, if any, regarding the Departmental Proceedings must be addressed before the Service Tribunal, the appropriate forum vested with the jurisdiction to resolve such disputes.

9. For the foregoing reasons, we find no merit in the present petitions, which are accordingly **dismissed** with no order as to costs along with pending miscellaneous applications, leaving the Petitioners to avail themselves of the remedy against the outcome of the Departmental/Disciplinary proceedings conducted by the Respondents, as provided under the law.

JUDGE

JUDGE

Sajjad Ali Jessar

¹ Ali Azhar Khan Baloch vs. the Province of Sindh (2015 SCMR 456)