

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-4271 of 2016**

Date	Order .with signature of Judge	
		Present:- Mr. Justice Muhammad Iqbal Kalhoro Mr. Justice Adnan-ul-Karim Memon
MRS. SHAHILA PARVEEN	...	PETITIONER

VERSUS

FEDERATION OF PAKISTAN & OTHERS	RESPONDENTS

Mrs. Shahila Parveen, Petitioner in person
Mr. Khalid Mehmood Siddiqui, Advocate for PIAC

Date of hearing	:	24.04.2017
Date of Judgment	:	05.05.2017

JUDGEMENT

MUHAMMAD IQBAL KALHORO, J. Petitioner claims to be employee of Pakistan International Airline (PIAC), and working as 'Air-hostess'. She through this petition has prayed for the following reliefs:-

- "1) That this Honourable Court may be set aside/suspend the illegal Show Cause Notice dated: 07/06/2016 issued by the Respondent# 3(Yaqoob Naeem).*
- 2)That this Honorable Court may be directed to the respondent # 3 to 10 restrain from taking any illegal action against petitioner.*
- 3) That this Honorable Court may be punished respondent # 3 to 7 to 10 for misusing their Authorities & Provoking the Management (PIAC) against the petitioner.*
- 4) That this Honourable Court may be set aside / suspended / remove Minute Ref. ACMC/FS/P-61842/15 dated 10th September 2015 from HR P-61842 file Petitioner.*
- 5) Grant any other relief(s) which this Honourable Court may deem fit and proper under the circumstances of the case."*

2. In brief, petitioner's case is that reference dated 10th September, 2015 initiated on **09.07.2015** is provoking and is destroying her image, reputation and prospect of her promotion; that she is being victimized due to her filing of harassment petition against Dr. Ayaz Khashkheli/respondent No.8 before the Provincial Ombudsman at Karachi. According to her, the show-cause notice and above mentioned reference are based on false information communicated by respondent No.7/Dr. A.Q.A. Akhud against her. She has alleged that Dr. Ayaz Khashkheli / respondent No.8 is guilty of killing her baby as she suffered miscarriage due to non-sending of the ambulance in time by Dr. Ayaz Khashkheli in 2011. Against such attitude of Dr. Ayaz Khashkheli, she made a complaint but no fair inquiry was held against him. It is also her case that Dr. Ayaz Khashkheli has been threatening her against which she

complained to respondent No.7/Dr. AQA Akhund but he also misbehaved with her. She approached the Management of PIA but to no avail. She has also alleged victimization at the hands of management of respondent No.2/PIAC. She further states that respondent No.9/ Dr. Naheed Daudpota, who is Incharge of PIA Township Medical Centre, Karachi also causes harassment and insults her, she put her husband's life in danger and she committed forgery in the list of medicines, which she issued on her P-Number. She has also alleged that respondent No.10 / Syeda Sarwat, who is also Air-hostess, is threatening her and has said that she should leave Dr. Ayaz Khaskheli otherwise she would be in danger. She has also alleged that said Syeda Sarwat has transferred her many times and locked her in a room. Her case is that all the above respondents have committed many crimes and have been victimizing her. As a result of which her life has been destroyed.

3. In response to the notice, respondent Nos.2 to 11 have filed the comments stating that although the petitioner is Air-hostess but is performing ground duties assigned to her at her own request to look after her baby child. The petitioner is inhabit of making complaints against officials, but on inquiry, all the complaints have been found false and baseless; that she filed the complaint against Dr. Ayaz Khaskhaily under Women Protect Cell ("**WPC**") but the same was disposed of being baseless; that again she filed the complaint on **22.08.2015** against the two Doctors before the Federal Ombudsman at Islamabad. She again filed a complaint before the Provincial Ombudsman at Karachi against two Doctors of PIA but the said Doctors filed a Constitutional Petition before this Court and obtained a stay order against the proceedings before the Provincial Ombudsman at Karachi; that due to her behaviour and aggressive attitude, the petitioner has been recommended for psychiatric evaluation but she has refused to appear for such evaluation. The petitioner again filed complaints against the Doctors before the Chairman PIA. That petitioner also registered FIR bearing crime No.269/2016 at Police Station Shah Faisal disclosing an incident which occurred on **11.05.2011** to the effect that she was not provided ambulance by the duty Doctor, hence she lost her child due to miscarriage. Thereafter, she filed the Constitution Petition No.4493/2016 against PIA and police officials but it was dismissed on **09.09.2016**. That on **09.09.2016** the petitioner was issued a show-cause notice for submitting application directly to Chairman, PIA without following proper channel, leveling false and frivolous allegations that her medical facility has been stopped to her and her family. That she has kept treatment book in her possession which is

essentially the property of the PIA and despite directions she did not return the same. That she submitted reply to the show-cause notice, which was found unsatisfactory and hence departmental inquiry was ordered to be held against her. Mr. Rizwan Ahemd Awan, DGM HR (Customer Services) has been nominated as Inquiry Officer and the proceedings in the said inquiry are underway and the petitioner is attending the same. The respondents have also raised objection over the maintainability of this petition by stating that PIAC does not have statutory rules and its employees are governed by the principle of “**master and servant**”. Further, the respondents have denied all the allegations leveled by the petitioner against them in the instant petition.

4. During the arguments the petitioner mainly reiterated the facts already mentioned in the petition.

5. On the other hand, learned Counsel for the respondent PIA, refuted allegations leveled against the respondents and argued that this petition was not maintainable.

6. We have heard the parties and perused the material available on record. The petitioner essentially in this petition has called into question the show-cause notice and the minute-1/reference dated 10th September, 2015, whereby, management of PIA has decided that the petitioner shall get psychiatric evaluation. From the perusal of the comments submitted by the respondents, it is obvious that the petitioner has filed the reply to the said show-cause notice, which was not found satisfactory and whereafter an inquiry is being held against her. It has also come on record that petitioner is participating in the said inquiry. Since departmental proceedings are being held against the petitioner, which do not appear to be outcome of any malice, we would not at this stage like to suspend or set-aside the said show-cause notice or the above stated minute-1/reference, therefore, while disposing of this petition, we direct the respondents not to cause any harassment to the petitioner and they shall act strictly in accordance with the law. In regard to the allegations, the petitioner would be at liberty to avail a proper remedy in accordance with the law.

Petition stands disposed of in the above terms along-with pending application(s)

JUDGE

JUDGE

Rafiq/P.A.

In view of above facts and circumstances, the petition is found meritless is dismissed accordingly along with pending application(s).

However, before parting with this order, we would like to direct the respondents not to cause any harassment to the petitioner and they shall act in accordance with the law.