

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Writ Petition No.2781 of 2019

Shahid Akther.

Vs.

Government of Pakistan through Secretary Ministry of Health, Islamabad
and 02 others.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	29.07.2019.	Mr. Muhammad Waqas Malik, Advocate for the petitioner.

Through the instant petition, the petitioner has assailed the show cause notice dated 19.07.2019 issued to him by the respondents.

2. Learned counsel for the petitioner, *inter-alia*, contends that the impugned show cause notice has been issued in violation of the procedure regarding conducting of the disciplinary proceedings. In this behalf, it was contended that no Inquiry Officer as such has been appointed or the detailed inquiry conducted.

3. Learned counsel was confronted with the maintainability of the petition in light of the fact that the petitioner is a civil servant and the controversy raised in the instant petition pertains to the terms and conditions of service. Learned counsel for the petitioner

contended that since the respondents have not adhered to the requisite procedure, hence the instant petition is maintainable.

4. Arguments advanced by learned counsel for the petitioner have been heard and the documents placed on record examined with his able assistance.

5. Since the petitioner has challenged the show cause notice issued to him by respondents No.2 and 3, the matter pertains to the disciplinary proceedings against the civil servant, hence fall within the bar provided in Article 212 of the Constitution. Due to the referred reasons, the instant petition is not maintainable.

7. For what have been stated above, the instant petition is barred by Article 212 and is not maintainable, however, the petitioner may agitate all factual and legal objections in reply to the show cause notice.

(AAMER FAROOQ)
JUDGE

M. Zaheer Janjua