

THE FEDERAL CONSTITUTIONAL COURT OF PAKISTAN

Before Judge in Chambers:
Justice Syed Hasan Azhar Rizvi

Civil Misc. Appeal No.34/2026

(against the order dated 06.08.2026 of the Registrar, returning the constitution petition of the appellant as being not entertainable under the Rules)

Harron Ahmed

.....Appellant(s)

Versus

Punjab Healthcare Commission, through its Chief Executive Officer & others

.....Respondent(s)

For the Appellant(s) : Mr. Afzal Ali Haider, ASC

For the Respondent(s) : Nemo

Date of Hearing : 29.09.2026

O R D E R

Syed Hasan Azhar Rizvi, J.— Through this miscellaneous appeal filed under Order V, Rule 3 of the Federal Constitutional Court (Practice and Procedure) Rules, 2026 the appellant challenges the office objections whereby the constitutional petition filed by him under Article 175E(3) of the Constitution of the Islamic Republic of Pakistan, 1973 (**‘Constitution’**) was returned.

2. Briefly, the grievance disclosed in the petition concerns regulatory action taken by the Punjab Healthcare Commission (**‘Commission’**) which, according to the appellant, has resulted in the suspension or stoppage of certain services at the appellant’s healthcare establishment, including its operation theatre and allied facilities. The appellant alleges that the action exceeds the Commission’s statutory authority, violates due process and adversely affects both the establishment and its patients. The appellant principally relies upon the order in *Razia Aslam v. Registrar, Federal Constitutional Court of Pakistan* in *Civil Misc.*

Appeal No.4/2026 to contend that the objections should be overruled and the petition registered.

3. Heard. Record perused.

4. The action under challenge is that of a statutory regulatory authority, and the appellant himself acknowledges that he has already invoked the constitutional jurisdiction of the Lahore High Court under Article 199 against the impugned action. Mere non-fixation of that petition during the summer vacations does not render the remedy unavailable or ineffective. Moreover, the alleged interruption of healthcare services may warrant urgent consideration, but urgency, *by itself*, cannot justify parallel proceedings when no legal impediment prevents the appellant from pursuing the pending petition and seeking appropriate interim or final relief from the Lahore High Court.

5. It is also relevant to refer to the remedial framework provided under the Punjab Healthcare Commission Act, 2010. Section 31 provides a right of appeal against the orders or decisions of the Commission. Availing this remedy, the appellant has challenged the proceedings of the Commission by filing an appeal titled *Haroon Ahmed v. Punjab Healthcare Commission* before the competent Court, i.e., the District & Sessions Judge, Lahore. His application for *ad interim* relief seeking restoration of the services of his healthcare establishment was declined vide order dated 22.07.2026, while the appeal remains pending. The appellant has, therefore, already approached the appropriate statutory forum for redress of his grievance. It may, therefore, be observed that failure to obtain the desired relief from the fora below already approached does not, by itself, bring the appellant's case within the ambit of Article 175E(3), *supra*.

6. The reliance placed upon *Razia Aslam* must be examined in the context of the distinct questions considered and decided in that case. The observations made therein arose in circumstances where no alternative remedy was available against

the administrative order of the Lahore High Court rejecting the appellant's candidature for interview for the post of Civil Judge. It was in that context that the legal impediment to maintaining a writ petition against an administrative order of a High Court, as considered in *Gul Taiz Khan Marwat v. Registrar, Peshawar High Court (PLD 2021 SC 391)*, assumed significance. The distinction recognised in *Razia Aslam* between administrative scrutiny and judicial adjudication remains material: the Registrar cannot conclusively determine disputed questions concerning the enforcement of Fundamental Rights or the existence of a question of public importance. That principle, however, must be distinguished from the separate question whether a litigant may invoke this Court's original jurisdiction despite an otherwise available remedy. To sum up, *Razia Aslam* did not declare the constitutional petition maintainable under Article 175E(3), but expressly reserved that question for determination by the appropriate Bench. Accordingly, while the *Razia Aslam* addresses the limits of the Registrar's authority, it does not establish that the mere invocation of a Fundamental Right entitles a litigant to bypass an available remedy.

7. Consequently, the civil miscellaneous appeal is dismissed, and the office objections are sustained. The appellant may pursue the proceedings already instituted before the competent Courts or avail himself of any other remedy available under the law. Nothing contained in this order shall prejudice the determination of those proceedings or be construed as an expression of opinion on the legality of the impugned regulatory action. There shall be no order as to costs.

Judge

Islamabad, the
29th September, 2026.

APPROVED FOR REPORTING
*M Farhan/**