

FCC Says Pending Lahore Case Bars Parallel Petition Over Healthcare Commission Action

Case: Haroon Ahmed v. Punjab Healthcare Commission, through its Chief Executive Officer & others

Court: Federal Constitutional Court of Pakistan

Case number: Civil Miscellaneous Appeal No. 34 of 2026

Judge: Justice Syed Hasan Azhar Rizvi, Judge in Chambers

Date: 29 September 2026

Result: Appeal against the Registrar's office objections dismissed; objections sustained.

Key law: Article 175E(3) of the Constitution; Article 199; section 31 of the Punjab Healthcare Commission Act, 2010; Order V, rule 3 of the Federal Constitutional Court (Practice and Procedure) Rules, 2026.

The Federal Constitutional Court has declined to entertain a fresh constitutional petition arising from action by the Punjab Healthcare Commission when the affected healthcare establishment had already taken the dispute to the Lahore High Court and the statutory appellate court. In an order dated 29 September 2026, Justice Syed Hasan Azhar Rizvi dismissed an appeal against the Registrar's objections to the FCC petition.

The ruling concerns the choice of forum. It does **not** decide whether the Commission lawfully suspended or stopped any healthcare service.

What brought the dispute to the FCC?

The appellant said the Commission's regulatory action had interrupted services at his healthcare establishment, including its operation theatre and related facilities. He alleged that the Commission had exceeded its powers and failed to follow due process, affecting the establishment and its patients.

He attempted to file a constitutional petition under Article 175E(3). The FCC Registrar returned it as not entertainable under the Rules, and the appellant challenged that office decision through a civil miscellaneous appeal.

There were already two other proceedings concerning the Commission's action. The appellant had filed a petition before the Lahore High Court under Article 199. He had also brought an appeal under section 31 of the Punjab Healthcare Commission Act, 2010, before the District and Sessions Judge, Lahore. The statutory appeal remained pending, although his request for temporary restoration of services had been declined on 22 July 2026.

Why did the Court sustain the objection?

The FCC held that the Lahore High Court remedy was still available. The fact that the petition had not been fixed during summer vacations did not make that remedy unavailable or ineffective. The disruption of medical services could call for urgent consideration, but urgency alone did not justify parallel proceedings when the appellant could seek interim or final relief in the pending Lahore case.

The Court also pointed to the statutory appeal. An unsuccessful request for interim relief in that forum did not, by itself, bring the dispute within the FCC’s original jurisdiction under Article 175E(3).

The practical point is specific: a party cannot rely on delay in listing or refusal of interim relief as an automatic route to a parallel original petition before the FCC while competent proceedings remain open. Whether any other case qualifies for the FCC’s original jurisdiction depends on its own facts and legal framework.

Did *Razia Aslam* require registration of the petition?

The appellant relied on *Razia Aslam v. Registrar, Federal Constitutional Court of Pakistan*, Civil Miscellaneous Appeal No. 4 of 2026. The Court distinguished that matter. In *Razia Aslam*, the challenge concerned a Lahore High Court administrative decision rejecting a candidate for interview for a civil judge post; the order discussed the absence of an alternative remedy and the limits of a Registrar’s administrative scrutiny.

Justice Rizvi reiterated that the Registrar cannot conclusively determine disputed questions about the enforcement of fundamental rights or whether a matter raises a question of public importance. But *Razia Aslam* had expressly left the maintainability of that particular constitutional petition for the appropriate Bench. It did not establish that merely invoking a fundamental right permits a litigant to bypass an available remedy.

What remains open?

The civil miscellaneous appeal was dismissed and the office objections were maintained. The appellant may pursue the cases already brought before the competent courts or any other remedy available by law. The FCC expressly left the legality of the Commission’s regulatory action undecided and said its order would not prejudice those pending proceedings. It made no order as to costs.

For practitioners: Check the status of the statutory appeal and Article 199 proceedings before advising on an original FCC petition. Where urgent service restoration is sought, an application for interim relief before a competent forum is a separate question from whether the FCC can entertain parallel original proceedings.

Source: Federal Constitutional Court, Civil Miscellaneous Appeal No. 34 of 2026, order dated 29 September 2026 (approved for reporting). The order’s caption spells the appellant’s first name “Harron”; its text and the FCC cause list use “Haroon”.