

The Secretary Aviation,

Dated: _____

Aviation Division,
Ministry of Aviation,
Government of Pakistan,
RAWALPINDI.

**APPEAL UNDER RULE 375 OF PCAA RULES 1994 AGAINST IMPOSITION OF
FINANCIAL PENALTY THROUGH ORDER DATED _____**

Honourable Sir,

The undersigned is filing appeal under rule 375 of CARs-94 against order dated _____ issued by Pakistan Civil Aviation Authority (PCAA), which imposed a financial penalty of Rs. _____. Hence, this appeal is preferred on the following facts and grounds.

This is in reference to the Show Cause Notice dated _____ received from Director Flight Standards PCAA.

1. The reply to the above mentioned Show Cause Notice was submitted on _____ with a request for a personal hearing to further clarify and explain my position. However, my reply was considered unsatisfactory and a financial penalty was imposed without offering me any hearing.
2. To my utmost dismay, the clauses from the Civil Aviation Rules that are only applicable on the operators 201, 202, 206 and 240 are also levelled against the flying license holder.
3. At no stage was the ANO 91.0012 Issue-5, clause 7.2.2 was violated as the flights were planned within specified limits of ANO and those flights were continued with a clear understanding under the light of clause 9.1 and 9.2 of the said ANO.
4. Furthermore, PCAA failed to consider that as per PIA's official Circular No. FLT OPS/SI/2/Tue Jan 05, 2016, under the subject "**WAIVERS**", the Directorate of Flight Operations is responsible for obtaining waivers for unforeseen circumstances and such waivers to be accepted by the crew. The said letter absolves me of the responsibility and imposes the responsibility on the air operator/airline to seek all necessary approvals from the PCAA.

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5. It is essential to highlight the principle of *audi alteram partem* which states that no party may be condemned unheard. I was never confronted with the alleged evidence upon which the PCAA claims to have based its assumption nor was I given any opportunity to rebut the same. Furthermore, Article 10A of the Constitution of Islamic Republic of Pakistan, 1973, guarantees that all persons and entities have the right to due process and the same is applicable to administrative/ inquiry proceedings as well.

It is therefore, submitted that the PCAA's action are in breach at the principles of natural justice as well as the protections enshrined in the Constitution. Consequently, the impugned order is liable to be set aside.

Yours sincerely,

Capt. /FO _____

ATPL/CPL No. _____