



MANDVIWALLA & ZAFAR
ADVOCATES

CASE LAW UPDATES

Pakistan Superior Courts — Verified Judgment Digest

Monday, 01 June 2026

Upload Window: 29 May - 1 June 2026 (last 3 working days)

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The 29 May - 1 June 2026 upload window produced no reportable judgments from any of the five superior courts; the Sindh High Court approved-for-reporting search for 27 May - 1 June (re-run after the earlier portal outage) also returned nil, closing out that gap. Sunday 31 May excluded from the working-day count. The single entry below is a carry-forward: a Supreme Court judgment approved for reporting and uploaded on 25 May 2026, after that day's issue had already been compiled, and not previously reported.

Supreme Court of Pakistan

1 judgment

SERVICE LAW — WEDLOCK POLICY; BENEFICIAL CONSTRUCTION; LEGITIMATE EXPECTATION

Naheeda Aziz v. Chief Secretary, Government of the Punjab, Lahore and another

PETITION CONVERTED TO APPEAL AND ALLOWED; TRANSFER REJECTION SET ASIDE; REMANDED

C.P.L.A. No.1789/2023 · Bench: Justice Muhammad Ali Mazhar; Justice Musarrat Hilali · Decided: 12 February 2026 · Uploaded: 25 May 2026

FACTS

The petitioner, Naheeda Aziz, selected through the Punjab Public Service Commission in 2016 and appointed as Assistant in the Board of Revenue, Punjab at Lahore, sought transfer to Faisalabad under the Government's wedlock policy, her husband working as a Junior Clerk (BS-11) in the Commissioner's Office, Faisalabad. She first applied to the Senior Member, Board of Revenue (SMBOR) on 12.02.2019 and sent reminders; pursuant to a Lahore High Court order dated 05.11.2020, the SMBOR rejected her application on 03.03.2021, relying on Rule 11 of the Punjab Civil Servants (A&CS) Rules, 1974 (transfer permissible only where prescribed by the relevant service rules) and holding that the wedlock policy has no overriding effect over the service rules. The Punjab Service Tribunal dismissed her appeal by judgment dated 17.01.2023. Hence this petition for leave to appeal.

LEGAL ISSUE

Whether, once the competent authority (the Chief Minister, Punjab) has issued a wedlock policy directing that spouses in Government service be posted at the same station, the authorities may refuse to implement it on the ground that the relevant service rules do not provide for appointment by transfer and that the policy has no overriding effect over those rules; and what interpretive approach governs a beneficial policy of this kind.

HOLDING

Allowing the petition, the Court held that once a competent authority issues a wedlock policy it is bound to implement and adhere to it across the board, and its implementation cannot be left in a vacuum or to the pick-and-choose discretion of the authority. The policy is rooted in Article 35 of the Constitution. While a civil servant has no vested right to any particular post or station, he or she has a legitimate expectation of being considered for posting at the same station as the spouse unless there are compelling reasons of public interest. The Punjab directive of the Chief Minister is not subject to preconditions and is binding on all administrative heads and civil servants of the province; the service rules relied upon do not in fact override the policy, and the Commissioner's Office Ministerial Service Rules, 2011 themselves permit recruitment 'by transfer', creating no embargo. The policy is protected by Section 23 of the Punjab Civil Servants Act, 1974 and must be given a purposive, liberal (beneficial) construction; even where no post is available, meaningful efforts must be made to accommodate the couple at the same station by any lawful mode.

LEGAL SIGNIFICANCE

Confirms that a duly issued wedlock policy is enforceable and cannot be defeated by reliance on service rules that do not genuinely conflict with it; recognises a civil servant's 'legitimate expectation' of wedlock accommodation anchored in Article 35; and restates that beneficial policies, notifications and statutes attract a purposive, liberal construction in favour of the intended beneficiaries. A useful authority for service matters on spousal posting and for the doctrines of beneficial construction and legitimate expectation.

LEGAL PROPOSITIONS (VERBATIM)

- *once the competent authority issued a wedlock policy, it is their responsibility to implement and adhere to such policy guidelines so that the benefit may be given to all such persons who are covered under the wedlock policy. Its implementation cannot be left in vacuum or at the sole whims and discretion of the competent authority to bestow this benefit or advantage on a pick and choose basis*
- *the employee has no vested right to claim any particular post or transfer to any specific station or post but sanguine to the wedlock policy, he or she has the legitimate expectation to be considered to work at the same*

station unless there is some compelling reasons in the public interest to deny their request.

— the directions of CM to ensure proper implementation of wedlock policy is binding on all administrative heads, provincial departments and civil servants of the province of Punjab.

— when a law or rule is intended to provide a benefit to a specific class, it should be interpreted liberally to achieve or live up to its intended manifestation without any overriding effect.

LEGAL PRINCIPLES EXPOUNDED

A duly issued beneficial policy must be implemented across the board and cannot be applied on a pick-and-choose basis at the authority's discretion.

Source: once the competent authority issued a wedlock policy, it is their responsibility to implement and adhere to such policy guidelines so that the benefit may be given to all such persons who are covered under the wedlock policy

Authority: Article 35, Constitution of Pakistan

A civil servant has no vested right to a particular post or station, but holds a legitimate expectation of wedlock accommodation absent compelling public-interest reasons.

Source: the employee has no vested right to claim any particular post or transfer to any specific station or post but sanguine to the wedlock policy, he or she has the legitimate expectation to be considered to work at the same station unless there is some compelling reasons in the public interest to deny their request

Authority:

Beneficial statutes, notifications and policies must be given a purposive and liberal construction in favour of the intended beneficiaries.

Source: the Courts are under a constitutional and legal obligation to espouse a purposive and even-handed interpretation for beneficial statutes, notifications and policies to safeguard the rights and genuine likelihood of the subject

Authority: doctrine of beneficial construction

A wedlock policy issued under the Chief Minister's directive is protected by the rule-making power and does not violate, nor is it overridden by, the service rules.

Source: the policy under discussion apparently neither violates any statutory provision or rules nor the rules quoted by the Senior Member Board of Revenue overrides the Wedlock Policy impliedly or expressly, rather it is premeditated beneficial, remedial and advantageous to a specific genre under specific circumstances

Authority: Section 23, Punjab Civil Servants Act, 1974

Even where no post is available, the authorities must make meaningful efforts to accommodate the married couple at the same station by any lawful mode.

Source: the meaningful efforts should be made to execute the policy in pith and substance to accommodate the married couple at the same place of posting by all means, no matter what is the mode

Authority:

OPERATIVE ORDER

In view of the above, this petition is converted into an appeal and allowed. As a consequence thereof, the impugned judgment of PST and the Order passed by Senior Member Board of Revenue, Punjab dated 03.03.2021 are both set aside. As a consequence, the Senior Member, Board of Revenue, Punjab, Lahore is directed to decide transfer application of the petitioner afresh within a period of 15 days taking into account the Office Memorandum dated 15.06.1988, issued by the Services, General, Administration and Information Department, Government of Punjab pursuant to the directions of CM Punjab and communicate the order to the petitioner. ... Office is directed to transmit the copy of this judgment to Chief Minister, Chief Secretary and Advocate General Punjab.

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