MANDVIWALLA & ZAFAR
ADVOCATES

CASE LAW UPDATES

Pakistan Superior Courts — Verified Judgment Digest

Thursday, 04 June 2026

Upload Window: Supreme Court Supplement — reportable judgments uploaded 3 June 2026

SC: 7 judgments | FCC/LHC/IHC/SHC: no new entries

7	7
SC	TOTAL

Operative orders quoted verbatim. Legal principles extracted directly from judgment text.

TABLE OF CONTENTS

Supreme Court of Pakistan

This is a Supreme Court supplement to the 4 June 2026 Case Law Updates issue. It captures the seven Approved-for-Reporting Supreme Court judgments uploaded on 3 June 2026 — a batch identified during the 4 June scan and processed separately rather than delaying the main issue. The remaining nine items in the Supreme Court 3 June batch were either scanned image orders or judgments not approved for reporting and are not included.

Supreme Court of Pakistan

7 judgments

ELECTION OF FORUM; BAR ON SECOND RECOURSE

Zafar Hussain Khan (deceased) through his LRs v. Mst. Farhana Almas (deceased-issueless) and others

CIVIL APPEAL DISMISSED

C.A. No.1495 of 2017 · Bench: Justice Muhammad Shafi Siddiqui; Justice Miangul Hassan Aurangzeb · Decided: 20.05.2026 · Uploaded: 03 June 2026

FACTS

200 kanals of land in Mouza Sumra Thal Kalan Janoobi, Tehsil Choubara, District Layyah was owned by Mst. Parveen Batool, who allegedly gifted it to her son Zafar Hussain Khan (the appellant) by gift mutation No.609 dated 29.12.1996, with possession delivered. Respondent No.1 (daughter, Mst. Farhana Almas) challenged the gift before the District Collector, Layyah (rejected 27.08.1997) and the Commissioner, D.G. Khan (rejected 10.10.1998); on revision, the Member, Board of Revenue, Punjab, Lahore accepted the challenge on 16.01.2002 and ordered the gift mutation to be cancelled. The appellant then filed a declaratory suit, which the Trial Court dismissed on 21.07.2009; the Appellate Court reversed on 16.04.2010 and decreed the suit; the Lahore High Court (Multan Bench) in civil revision restored the Trial Court's decree on 12.09.2017, giving rise to this direct civil appeal under Article 185(2)(d)(e).

LEGAL ISSUE

Whether, after a party has invoked and exhausted the hierarchy of revenue forums (District Collector, Commissioner, Member, Board of Revenue) on the merits of a gift mutation and obtained a final adverse decision, it can subsequently institute a civil suit on the same subject matter without showing any jurisdictional flaw or mala fides in the revenue proceedings, or whether the doctrine of election of forum operates to bar such a second recourse.

HOLDING

The Supreme Court held that the revenue forums approached and exhausted by the appellant were adjudicatory forums where reliefs were claimed and denied on merits; once such forums have been exhausted and neither any jurisdictional flaw nor mala fides has been shown, a civil court cannot be approached as a second bite at the cherry. The doctrine of election of forum operates to prevent a litigant from having a second recourse after his choice of forum to confer jurisdiction has been exercised. The suit was therefore rightly dismissed by the Trial Court and the High Court; no interference was warranted in the impugned judgment dated 12.09.2017. The appeal was dismissed.

LEGAL SIGNIFICANCE

The judgment reinforces the doctrine of election of forum in the context of revenue and civil jurisdictions over mutation disputes, holding that adjudicatory revenue forums (Collector, Commissioner, Member BoR) determine matters on merits and that, absent demonstrated jurisdictional defects or mala fides, the civil court cannot be invoked as a second tier of appeal on the same controversy. Litigants who voluntarily elect the revenue hierarchy cannot, on receiving an adverse outcome, re-agitate the same dispute in the civil court. The ruling will operate as a clear deterrent against parallel/successive litigation strategies in gift, inheritance and mutation matters before revenue and civil courts.

LEGAL PROPOSITIONS (VERBATIM)

> *— The forums mentioned in paragraph 2 above are adjudicatory forums where reliefs were claimed and denied on merit.*
>
> *— Once such revenue forums are exhausted, the civil court was approached as a second bite to the cherry as neither any jurisdictional flaw was shown nor any mala-fide was shown.*
>
> *— Thus, in the absence of these, a second recourse cannot be provided to litigant.*

— Once the choice of forum to confer jurisdiction is exercised, the doctrine of election would also come in the way.

LEGAL PRINCIPLES EXPOUNDED

Adjudicatory revenue forums (District Collector, Commissioner and Member, Board of Revenue) determine claims on merits and a litigant exhausting that hierarchy cannot re-litigate the same controversy in the civil court absent jurisdictional defect or mala fides.

Source: *The forums mentioned in paragraph 2 above are adjudicatory forums where reliefs were claimed and denied on merit. Once such revenue forums are exhausted, the civil court was approached as a second bite to the cherry as neither any jurisdictional flaw was shown nor any mala-fide was shown.*

Authority:

The doctrine of election of forum bars a party, having voluntarily invoked one adjudicatory forum, from afterwards seeking a second recourse before another forum on the same matter.

Source: *Once the choice of forum to confer jurisdiction is exercised, the doctrine of election would also come in the way.*

Authority:

A civil suit is not maintainable as a 'second bite at the cherry' against concurrent decisions of the revenue hierarchy where no jurisdictional flaw or mala fides is established.

Source: *in the absence of these, a second recourse cannot be provided to litigant.*

Authority:

OPERATIVE ORDER

Thus, the suit was rightly dismissed and we do not find any reason to interfere in the findings recorded. Therefore, this appeal is dismissed.

■ View Full Judgment

TIME SCALE PROMOTION IN ABSENCE OF RULES

National Language Promotion Department, through its Executive Director, Islamabad v. Syed Sardar Ahmad Pirzada and others

PETITION CONVERTED; APPEAL ALLOWED; FST JUDGMENT SET ASIDE

C.P.L.A. No.1062 of 2025 · Bench: Justice Muhammad Shafi Siddiqui; Justice Miangul Hassan Aurangzeb · Decided: 19.05.2026 · Uploaded: 03 June 2026

FACTS

Respondent No.1, a Research Aide/Deputy Director in BS-18 in the National Language Promotion Department, joined the National Language Authority on 30.06.1988 in BS-17. He remained in BS-17 for a long period, was granted (and later denied) a move-over in BS-18, and was eventually promoted to BS-18 with effect from 01.06.2016. Relying on Notification dated 24.02.2014 of the Federal Government as a time-scale promotion policy, he claimed entitlement to ante-dated time-scale promotion to BS-19 with effect from 01.12.2016 and filed a representation on 20.11.2020, which the department did not act upon. He then approached the Federal Service Tribunal, Islamabad in Appeal No.143(R)CS/2021. By judgment dated 23.01.2025 the Tribunal allowed the appeal and directed the department to consider his case for ante-dated time-scale promotion to BS-19 under the existing policy, despite the department's stance that the policy was inapplicable and Recruitment Rules were still in process.

LEGAL ISSUE

Whether, in the absence of applicable Recruitment Rules and in the face of a disputed policy framework, the Federal Service Tribunal could lawfully direct the petitioner department to consider the respondent for grant of an ante-dated time scale promotion to BS-19; and, more broadly, the legal character of time scale promotion under the Civil Servants Act, 1973 and the extent to which Tribunal-issued directions for its consideration may be grounded in policy alone, dehors the governing rules.

HOLDING

The Supreme Court held that time scale promotion is not a regular promotion but a policy-based benefit confined to specified categories of civil servants, and is not a term and condition of service defined under the Civil Servants Act, 1973. In the present case, the claim rested solely on a policy whose applicability to the petitioner department was itself in dispute and had not been conclusively determined by the Tribunal; the Tribunal nonetheless assumed applicability and directed consideration of the case. Such direction could not have been issued without a clear legal foundation establishing that the respondent fell within the ambit of the policy; mere length of service did not confer a right to seek consideration dehors the governing legal framework. Even a direction for consideration was unsustainable. The petition was converted into an appeal and allowed; the impugned Tribunal judgment dated 23.01.2025 was set aside, and CMA No.922 of 2025 was disposed of.

LEGAL SIGNIFICANCE

The judgment significantly narrows the scope of judicial/tribunal interference in time scale promotion claims by reaffirming that time scale promotion is a policy-driven benefit, not a regular promotion or a vested right under the Civil Servants Act, 1973 or the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973. It clarifies that a Tribunal cannot direct even 'consideration' of an employee for time-scale promotion when the very applicability of the relied-upon policy to the employing department is contested and unproved, and that absence of Recruitment Rules cannot be used by the Tribunal as a license to assume policy applicability. The decision will guide future service jurisprudence on Notification dated 24.02.2014 and similar policy instruments, and constrains FST and provincial service tribunals from issuing 'consider for time scale' directions without a positive demonstration of policy coverage.

LEGAL PROPOSITIONS (VERBATIM)

— the Civil Servants Act, 1973 does not define the term "Time Scale Promotion", therefore it cannot be considered as a term and condition of service.

— promotion on the basis of time scale is not a regular promotion but a matter of policy granted to specific categories of professions by the competent authority with the concurrence of the Finance Division, and that such policy is meant to grant benefits of higher pay scales to those cadres of civil servants which do not ordinarily get promotions to higher grades under the applicable rules.

— the grant of time scale is simply a grant of higher scale without any change in designation of the post and does not involve up-gradation of the post or amendment in the recruitment rules, and therefore any relief premised on treating such benefit as a regular promotion was not sustainable.

— time scale promotion, being a policy-based benefit confined to specified categories, no direction for its grant or even consideration could be issued unless the respondent demonstrated that he fell within the ambit of such policy.

LEGAL PRINCIPLES EXPOUNDED

Time scale promotion is not a term and condition of service under the Civil Servants Act, 1973; it is a policy-based benefit confined to specified categories of civil servants and confers no vested right.

Source: *the Civil Servants Act, 1973 does not define the term "Time Scale Promotion", therefore it cannot be considered as a term and condition of service.*

Authority: *Khushdil Khan Malik v. Secretary, Establishment Division Cabinet Block, Islamabad and others (2021 SCMR 1496)*

Grant of time scale is merely a higher pay scale on the same post and is not a promotion under the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973; it does not involve up-gradation of the post or amendment of recruitment rules.

Source: *the grant of time scale is simply a grant of higher scale without any change in designation of the post and does not involve up-gradation of the post or amendment in the recruitment rules, and therefore any relief premised on treating such benefit as a regular promotion was not sustainable.*

Authority: *Secretary Finance, Finance Division, Pak. Secretariat, Islamabad v. Muhammad Farooq Khan and others (2022 SCMR 381)*

Mere length of service does not, by itself, confer a right to seek consideration for time scale promotion outside the governing legal framework; the employee must positively demonstrate falling within the ambit of the applicable policy.

Source: *The mere fact that the respondent had rendered long service or had completed a particular length of service did not, by itself, confer a right to seek consideration dehors the applicable legal framework.*

Authority:

A Service Tribunal cannot direct even consideration for ante-dated time scale promotion on an assumed applicability of policy; the policy's applicability to the employing department must first be established.

Source: *Such direction, in our view, could not have been issued in the absence of a clear legal foundation establishing that the respondent was entitled, in law, to invoke the said policy.*

Authority:

OPERATIVE ORDER

Under the circumstances, we are of the considered view that the findings and conclusions recorded by the Tribunal are not sustainable in law, as the direction issued for consideration of the respondent for grant of ante-dated time scale promotion was premised on an assumed applicability of policy which had not been established. The impugned judgment, therefore, cannot be sustained. Consequently, this petition is converted into an appeal and the same is allowed. The judgment dated 23.01.2025, passed by the Federal Service Tribunal, Islamabad, in Appeal No. 143(R)CS/2021, is set aside. CMA No.922 of 2025 is disposed of.

■ View Full Judgment

PENSION; COUNTING OF LONG CONTRACTUAL SERVICE

Federation of Pakistan through its Secretary, Finance Division Islamabad v. Seema Tauseef and others

CIVIL PETITION DISMISSED

C.P.L.A. No.1380 of 2025 · Bench: Justice Muhammad Ali Mazhar; Justice Musarrat Hilali · Decided: 16.02.2026 · Uploaded: 03 June 2026

FACTS

Respondent No.1 (Seema Tauseef) had been performing duties on the Development Fund project from 1986 onward without break, and was formally appointed on contract basis against the permanent post of Woman Program Officer (WPO) on 01.07.1997. Her services were regularised with effect from 15.12.2011 after she had rendered at least 24 years of service against the WPO post on contract basis. She retired upon attaining the age of superannuation on 25.12.2020. The Federation refused to count the contractual service rendered from 1986 to 14.12.2011 for pensionary benefits, relying on Article 240 of the Constitution, Section 2(1)(b)(ii) of the Civil Servants Act, 1973 (which ousts contract employees from the definition of civil servant), CSR-352, 361, 365 and 368, and the Federal Government policy that contract/contingent/project/daily-wage service is not countable for pension on subsequent regularisation. She filed Service Appeal No.515(R)CS/2023; by judgment dated 29.01.2025 the Federal Service Tribunal, Islamabad allowed the appeal and directed the department to merge her contractual service for purposes of pay and pension. The Federation sought leave to appeal.

LEGAL ISSUE

Whether the long, uninterrupted contractual service (1986 to 14.12.2011, approximately 24 years) rendered by Respondent No.1 against a permanent post of WPO is to be counted towards qualifying service for pension upon her subsequent regularisation on 15.12.2011 and retirement on 25.12.2020, having regard to Article 240 of the Constitution, Section 2(1)(b)(ii) of the Civil Servants Act, 1973, and Civil Service Regulations CSR-352, 361, 365, 368 and, in particular, the non-obstante provision of CSR-371A, and the constitutional dimension of pension as old-age security under Article 3 of the Constitution.

HOLDING

The Supreme Court held that CSR-352, 361, 365 and 368, on a plain reading, do not bar Respondent No.1's pension claim because her long contractual engagement was neither for a limited period or temporary nor on daily-wages and the post was substantive and permanent. CSR-371A, opening with a non-obstante clause overriding CSR-355(b), 361, 368, 370 and 371, expressly provides that government servants on temporary establishments who have rendered more than five years' continuous temporary service shall count such service for pension/gratuity (excluding previously broken periods), and continuous temporary/officiating service of less than five years immediately followed by confirmation shall also count. Applying CSR-371A and following Chairman, Pakistan Railway v. Shah Jahan Shah (PLD 2016 SC 534), the Court held the respondent's 24 years of continuous contractual service must be counted for pension. The Court further held that pension is a vested constitutional right and old-age security, not a bounty; a continuing cause of action for pension cannot be defeated by limitation, laches, or administrative complexities created by the department itself, particularly where indefinite contractual engagement against a permanent post amounts to a violation of Article 3 of the Constitution. The civil petition was dismissed.

LEGAL SIGNIFICANCE

The judgment is a significant pro-employee elaboration of pension rights for long-serving contractual employees of the Federal and other governments. It (i) limits the operation of CSR-352, 361, 365 and 368 to genuinely short-term, daily-wage or non-substantive engagements; (ii) gives full effect to the non-obstante clause in CSR-371A to count long contractual/temporary service for pension on subsequent confirmation/regularisation; (iii) elevates pension to a vested constitutional right anchored in Article 3 of the Constitution, treating indefinite contract employment against permanent posts as exploitation; (iv) holds that pension being a continuing right cannot be defeated by limitation or laches; and (v) condemns the practice of using contract appointments as a 'sword of Damocles' to evade pensionary liabilities. The ruling will guide service tribunals on counting pre-regularisation contractual service for pension/gratuity and re-orient the use of CSR-371A.

LEGAL PROPOSITIONS (VERBATIM)

— We have no hesitation in our mind to hold that a long period of contractual service rendered by the respondent No.1 makes her entitled for the benefit of CSR-371A for the purposes of awarding pension to her.

— The purpose of pension is to provide old-age security and an economic refuge as vested constitutional right; neither is it a bounty, charity, or act of grace by the employer nor alms or donation.

— An everlasting or never-ending contract employment cannot be used as a tool of permanent exploitation which is a severe violation of Article 3 of the Constitution whereby the State is bound to ensure the elimination of all forms of exploitation and the gradual fulfilment of the fundamental principle, from each according to his ability, to each according to his work.

— such right cannot be snuffed due to delayed application merely for the reason that a continuing right or cause of action cannot be stifled under the rigors or obstinacies of law of limitation or doctrine of laches.

LEGAL PRINCIPLES EXPOUNDED

CSR-352, 361, 365 and 368 do not bar pension where the alleged 'contract' engagement was in fact long, continuous and against a substantive permanent post; their disqualifying conditions apply to genuinely limited-period, temporary, daily-wage or non-substantive engagements.

Source: *The long span of contractual engagement can neither be construed as for limited period or temporarily nor can it be based on daily wages arrangement.*

Authority:

CSR-371A, by virtue of its non-obstante clause, overrides CSR-355(b), 361, 368, 370 and 371 and mandates counting of continuous temporary/contractual service exceeding five years (and less-than-five-year service immediately followed by confirmation) towards pension/gratuity.

Source: *it start s off with a non-obstante clause which is legal phrase normally used in the different enactments and statutes for overriding any contrary provision or inconsistency to ensure that such provision shall have precedence over other provisions.*

Authority: *Chairman, Pakistan Railway, Government of Pakistan v. Shah Jahan Shah (PLD 2016 SC 534)*

Pension is a vested constitutional right and a source of old-age economic security; it is neither a bounty nor an act of grace, and timely payment of pension is the main source of livelihood after retirement.

Source: *The purpose of pension is to provide old-age security and an economic refuge as vested constitutional right; neither is it a bounty, charity, or act of grace by the employer nor alms or donation.*

Authority: *Muhammad Yousaf v. Province of Sindh (2024 SCMR 1689 = 2024 SCP 291); Qazi Khalid Ali v. Federation of Pakistan (CPLA No.147-K/2023)*

A continuing right or cause of action for pension cannot be defeated by limitation or laches, particularly where the administrative complexity has been created by the department itself by keeping the employee on protracted contractual engagement against a permanent post.

Source: *a continuing right or cause of action cannot be stifled under the rigors or obstinacies of law of limitation or doctrine of laches.*

Authority:

Indefinite/everlasting contractual engagement against a permanent post is impermissible and amounts to exploitation in violation of Article 3 of the Constitution; contractual employment is meant for temporary work, time-bound projects or exigencies, not for indefinite use against permanent posts.

Source: *An everlasting or never-ending contract employment cannot be used as a tool of permanent exploitation which is a severe violation of Article 3 of the Constitution*

Authority:

OPERATIVE ORDER

In the wake of the above discussion, we do not find any illegality, irregularity or perversity in the impugned judgment passed by the learned Tribunal. The civil petition is dismissed.

■ **View Full Judgment**

CORRECTION OF CIVIL SERVANT'S DATE OF BIRTH

The Secretary, Excise, Taxation and Narcotics Control Department and others v. Muhammad Abdullah Khan

PETITION CONVERTED; APPEAL ALLOWED; TRIBUNAL JUDGMENT SET ASIDE

C.P.L.A. No.208 of 2024 · Bench: Justice Ayesha A. Malik; Justice Shakeel Ahmad · Decided: 31.03.2026 · Uploaded: 03 June 2026

FACTS

The respondent joined the Ministry of Communications on 17.05.1987 and, through proper channel, obtained employment in Pakistan Telecommunication Company Limited (PTCL) on 10.02.1992; at the time his date of birth was recorded as 07.01.1964 on the basis of his matriculation certificate. He never sought correction within two years of entry under Rule 7.3 (Annexure-B) of the Punjab Financial Rules. He applied through proper channel under PPSC Advertisement No.03/1995 for the post of Excise and Taxation Officer (BS-17), declaring the same date of birth (07.01.1964); being overage by approximately three years against the 28-year limit, he availed the in-service candidate relaxation up to 35 years and was appointed on 17.04.1996. He thereafter sought correction of his date of birth to 18.11.1966 on the basis of a Union Council certificate; his request to BISE Multan was declined on 01.10.1997, but he subsequently obtained a fresh matriculation certificate showing 18.11.1966 and again sought correction, which was declined. The Punjab Service Tribunal, Lahore, by judgment dated 24.10.2023 in Appeal No.1809/2022, allowed his appeal and directed correction to 18.11.1966.

LEGAL ISSUE

Principal questions: (i) whether a civil servant can seek correction of his date of birth on the basis of a Union Council certificate and a subsequently obtained matriculation certificate after having entered service and benefited from the date of birth earlier recorded in the service record; (ii) whether the doctrines of estoppel

and acquiescence apply in service matters concerning date of birth where no correction is sought within the prescribed two-year period; (iii) whether the respondent, having availed age relaxation on the basis of the recorded date of birth, can subsequently claim a different date of birth; and (iv) whether the Tribunal exercised jurisdiction in accordance with law. The petition's maintainability/limitation was also examined.

HOLDING

The Supreme Court overruled the preliminary objection of limitation, holding that the period spent in obtaining certified copies (25.10.2023 to 05.12.2023) is excludable and the petition filed on 25.01.2024 was within sixty days. On merits, the Court held that under Annexure-B to Rule 7.3 of the Punjab Financial Rules and Rule 21-A(3) of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974, the date of birth declared at the time of entry into Government service is conclusive unless corrected within two years, and once recorded attains finality. The respondent never applied within two years; his conduct constituted acquiescence and waiver, and he was hit by the doctrine of estoppel because he had induced the petitioners to treat his date of birth as 07.01.1964 and had obtained age relaxation on that very basis. Acceptance of the new date (18.11.1966) would mean he never needed relaxation and would render his initial eligibility questionable; this amounted to abuse of process and misrepresentation through conduct. Correction in the educational record does not automatically entitle correction in the service record, particularly where vested rights/benefits have been availed. The Tribunal committed legal error by ignoring his PTCL service, the legal consequences of the age relaxation availed, and the principles of estoppel and acquiescence, and by treating the subsequently obtained matriculation certificate as conclusive. The petition was converted into an appeal and allowed; the impugned judgment of the Tribunal was set aside; and the departmental order declining rectification was restored.

LEGAL SIGNIFICANCE

The judgment crystallises a strict regime against belated alteration of a civil servant's date of birth in Punjab and is directly transferable to comparable rules in the Federation and other Provinces. It reinforces (i) the conclusiveness of Annexure-B to Rule 7.3 of the Punjab Financial Rules and the absolute finality under Rule 21-A(3) of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974; (ii) the application of the doctrines of estoppel, acquiescence and waiver in service jurisprudence on date-of-birth matters; (iii) the principle that an employee who has availed a statutory concession (here, in-service age relaxation) cannot 'approbate and reprobate' to gain extended service; and (iv) the principle that correction of educational records does not automatically translate into correction of the service record, especially where vested rights/benefits have already accrued. The decision will operate as strong authority against future date-of-birth correction claims premised on subsequently procured certificates, and as guidance to Service Tribunals on the limits of their corrective jurisdiction.

LEGAL PROPOSITIONS (VERBATIM)

— The date of birth once recorded at the time of joining Government service shall be final and thereafter no alteration in the date of birth of a civil servant shall be permissible.

— It is a settled principle of law that the date of birth once recorded in the service book attains finality, and thereafter no alteration in the date of birth of a civil servant is permissible.

— Such conduct of the respondent clearly demonstrates acquiescence in the recorded date of birth and constitutes a waiver of any right to challenge the same at a belated stage. The law assists the vigilant and not those who sleep on their rights.

— It is settled that correction in the educational record does not automatically entitle an employee to a corresponding correction in the service record, particularly where the employee had earlier relied upon a different entry, and the correction is sought at a belated stage.

LEGAL PRINCIPLES EXPOUNDED

Under Annexure-B to Rule 7.3 of the Punjab Financial Rules, the declaration of age at entry into Government service is conclusive unless a correction application is made within two years; no request thereafter is entertainable.

Source: *the declaration of age made at the time of entry of the civil servant into Government service shall be deemed to be conclusive unless he applies for correction of his age as recorded, within two years of his entry into Government service. No request shall be entertained after the expiry of the said period.*

Authority: *Rule 7.3 (Annexure-B) of the Punjab Financial Rules, Vol.I*

Once recorded in the service book at the time of joining Government service, the date of birth is final and no subsequent alteration is permissible; the rule serves administrative certainty, prevention of belated manipulation, and protection of service structure and seniority.

Source: *It is a settled principle of law that the date of birth once recorded in the service book attains finality, and thereafter no alteration in the date of birth of a civil servant is permissible.*

Authority: *Rule 21-A(3) of the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974; Ahmed Khan Dehpal v. Government of Balochistan (2013 SCMR 759)*

Failure to seek correction within the prescribed two-year period, combined with continued reliance on the recorded date of birth, amounts to acquiescence and waiver; the law assists the vigilant and not those who sleep on their rights.

Source: *Such conduct of the respondent clearly demonstrates acquiescence in the recorded date of birth and constitutes a waiver of any right to challenge the same at a belated stage. The law assists the vigilant and not those who sleep on their rights.*

Authority:

A civil servant who has availed age relaxation on the basis of a declared date of birth is estopped from subsequently asserting a different (younger) date of birth to obtain extended service; he cannot approbate and reprobate, and such conduct constitutes abuse of process and misrepresentation through conduct.

Source: *He is also hit by the doctrine of estoppel, as he himself declared his date of birth as 07.01.1964, thereby inducing the petitioners to treat him as such. He obtained the benefit of age relaxation on that basis for the post of Excise and Taxation Officer. Having gained the advantage, he cannot now be permitted to approbate and reprobate simultaneously by asserting a different date of birth.*

Authority:

Correction in the educational record does not automatically entitle an employee to correction in the service record, particularly where the employee earlier relied upon a different entry and where vested rights or benefits have already been availed.

Source: *It is settled that correction in the educational record does not automatically entitle an employee to a corresponding correction in the service record, particularly where the employee had earlier relied upon a different entry, and the correction is sought at a belated stage. Such a change would affect vested rights or benefits already availed.*

Authority:

OPERATIVE ORDER

In the result, this petition is converted into an appeal and allowed. The impugned judgment of the Tribunal is set aside. Consequently, the departmental order declining rectification of the respondent's date of birth on the basis of a subsequently obtained matriculation certificate, based on Union Council certificate, is restored. The pending CMAs are also disposed of. No order as to costs.

■ View Full Judgment

LIMITATION / CONDONATION OF DELAY / BONA FIDE PROSECUTION

T & T Employees Cooperative Housing Society Islamabad v. Haji Ghulam Hussain & Others

LEAVE REFUSED; PETITION DISMISSED

C.P.L.A. No.3469/2025 · Bench: Mr. Justice Yahya Afridi, CJ; Mr. Justice Shahid Bilal Hassan · Decided: 12.03.2026 (announced 02.06.2026) · Uploaded: 03 June 2026

FACTS

The Respondent/Plaintiff instituted a suit for specific performance and permanent injunction against the Petitioner Society and official defendants before the Civil Judge 1st Class, Islamabad-West, claiming enforcement of an alleged agreement relating to land in Village Pind Parian, Islamabad. The defendants were proceeded against ex parte on 22.12.2017. The Petitioner's application to set aside ex parte proceedings on the plea of non-service was dismissed on 05.04.2018 and the suit decreed ex parte the same day. The Petitioner first filed an appeal before the District Judge on 25.04.2018, which was returned on 30.05.2018 for want of pecuniary jurisdiction. The Regular First Appeal was filed before the Islamabad High Court on 11.07.2018 and dismissed as barred by limitation and otherwise incompetent.

LEGAL ISSUE

Whether the Petitioner had furnished sufficient cause for condonation of delay in filing the Regular First Appeal before the High Court, particularly in respect of approximately 37 days elapsing between return of the memorandum of appeal by the District Judge on 30.05.2018 and its institution before the High Court on 11.07.2018, and whether bona fide prosecution before a wrong forum could justify exclusion of the subsequent delay.

HOLDING

The Supreme Court agreed with the High Court that the appeal was barred by limitation. Even reckoning the period before the District Judge in the Petitioner's favour, no plausible or satisfactory explanation was furnished for the approximately 37 days' intervening delay after return of the memorandum of appeal on 30.05.2018. Mere filing before an incompetent forum does not confer an automatic right to exclusion or condonation of all subsequent delay; continuous bona fide pursuit of remedy must be established. The cumulative conduct of the Petitioner reflected negligence, lack of diligence and casual disregard for the process of law. Leave was refused and the petition dismissed.

LEGAL SIGNIFICANCE

The judgment reaffirms that the law of limitation is grounded in sound public policy of certainty, finality and repose, and is not a mere technical rule of procedure. It clarifies that the 'wrong forum' or bona fide prosecution plea does not operate as a blanket shield: a party must establish continuous bona fide pursuit, and any unexplained gap intervening after return of proceedings from an incompetent forum (here, 37 days) defeats the protective plea. The decision underlines that valuable rights accruing to a successful litigant by efflux of time cannot be disturbed without sufficient cause covering the entire period of delay, and that negligence, indolence or casual conduct will not constitute sufficient cause.

LEGAL PROPOSITIONS (VERBATIM)

— Law of limitation is not a mere technical rule of procedure, rather, it is founded upon sound public policy aimed at securing certainty, finality and repose in litigation.

— Once a valuable right accrues to a successful litigant by efflux of time, the same cannot be disturbed except upon demonstration of sufficient cause within contemplation of law.

— A party seeking condonation of delay must approach the Court with clean hands, disclose all material facts and furnish a plausible, satisfactory and bona fide explanation covering the entire period of delay.

— Mere filing before an incompetent forum does not confer an automatic right to exclusion or condonation of all subsequent delay.

LEGAL PRINCIPLES EXPOUNDED

Limitation is rooted in public policy securing certainty, finality and repose; it is not a mere technicality.

Source: *Law of limitation is not a mere technical rule of procedure, rather, it is founded upon sound public policy aimed at securing certainty, finality and repose in litigation.*

Authority: *Ramlal and others v. Rewa Coalfields Ltd. (AIR 1962 SC 361); Imtiaz Ali v. Atta Muhammad (PLD 2008 SC 462)*

Sufficient cause must be demonstrated and must cover the entire period of delay, with clean hands and full disclosure.

Source: *a party seeking condonation of delay must approach the Court with clean hands, disclose all material facts and furnish a plausible, satisfactory and bona fide explanation covering the entire period of delay*

Authority: *Khushi Muhammad v. Mst. Fazal Bibi (PLD 2016 SC 872); Lal Khan through LRs v. Muhammad Yousaf (PLD 2011 SC 657)*

Negligence, indolence or casual conduct do not constitute sufficient cause for condonation.

Source: *Negligence, indolence or casual conduct do not constitute sufficient cause.*

Authority:

Bona fide prosecution before a wrong forum does not automatically excuse subsequent unexplained delay; continuous bona fide pursuit must be shown.

Source: *Mere filing before an incompetent forum does not confer an automatic right to exclusion or condonation of all subsequent delay. A litigant invoking equitable discretion must establish continuous bona fide pursuit of remedy. Where negligence intervenes after return of the proceedings, the protective plea of bona fide prosecution loses much of its force.*

Authority:

OPERATIVE ORDER

The crux of the above discussion is that the High Court has aptly adjudicated upon the matter in hand and has rightly non-suited the petitioner. No case for grant of leave is made out; consequent whereof leave is refused and the petition in hand stands dismissed.

■ **View Full Judgment**

PRE-EMPTION / FULFILLMENT OF TALBS / TALB-I-ISHHAD

Ghulam Abbas v. Abdul Sattar and another

LEAVE REFUSED; PETITION DISMISSED

Civil Petition No. 4168 of 2022 · Bench: Mr. Justice Muhammad Shafi Siddiqui; Mr. Justice Miangul Hassan Aurangzeb · Decided: 21.05.2026 · Uploaded: 03 June 2026

FACTS

The petitioner instituted a suit for possession through right of pre-emption in respect of suit property measuring 4 Kanals in Mouza Kurar, Tehsil Paharpur, District Dera Ismail Khan, on the basis of his alleged superior right as co-sharer and contiguous owner. Respondents No.1 to 3 had purchased the property through mutation No.1630 dated 23.08.2005 for Rs.60,000/- (though Rs.1,40,000/- was reflected to defeat his pre-emption right). The petitioner claimed knowledge on 28.08.2005 at about 05:00 p.m. through one Rasheed Ahmad, whereupon he immediately exercised Talb-i-Muwathibat and thereafter performed Talb-i-Ishhad in the presence of witnesses by issuing notices to the vendees through registered post. The Civil Judge, Paharpur dismissed the suit on 30.03.2011 for failure to establish due performance of Talb-i-Ishhad under Section 13(3) of the Khyber Pakhtunkhwa Pre-emption Act 1987. The Additional District Judge (19.03.2016) and the Peshawar High Court, D.I. Khan Bench (17.10.2022) maintained the concurrent findings.

LEGAL ISSUE

Whether the petitioner had fulfilled the mandatory requirements of Talb-i-Muwathibat and Talb-i-Ishhad as envisaged under Section 13(3) of the Khyber Pakhtunkhwa Pre-emption Act 1987; specifically, whether omission to mention the date of performance of Talb-i-Ishhad in the plaint was fatal to the claim, and whether

concurrent findings of fact could be disturbed in the limited revisional jurisdiction under Section 115, C.P.C.

HOLDING

The Supreme Court held that the petitioner failed to satisfy the mandatory requirements governing pre-emption. Admittedly, the plaint did not disclose the date of performance of Talb-i-Ishhad, which omission, in view of Mian Pir Muhammad, is fatal. The petitioner also failed to establish through cogent and reliable evidence the due performance of Talb-i-Ishhad; concurrent findings showed that neither proper service of notice upon the vendees was proved, nor was the evidence sufficient to meet the strict standard required. Principles in Sardar Muhammad and Muhammad Riaz squarely applied: failure to prove performance of Talbs in the prescribed manner results in the collapse of the entire claim. No jurisdictional defect, illegality or material irregularity warranting revisional interference was shown. Leave was refused.

LEGAL SIGNIFICANCE

The judgment consolidates the strict and mandatory regime governing pre-emption claims under the Khyber Pakhtunkhwa Pre-emption Act 1987. It restates that the right of pre-emption is 'a very weak right' and that successive failure to plead and prove the date, place and time of Talb-i-Muwathibat and the date of Talb-i-Ishhad is fatal at the threshold. It reiterates that proof of service of notice for Talb-i-Ishhad must meet a strict standard. The decision further clarifies the narrow scope of revisional jurisdiction under Section 115, C.P.C., confining interference to jurisdictional defects and material irregularity, and not allowing reappraisal of concurrent findings on a different possible view.

LEGAL PROPOSITIONS (VERBATIM)

— the right of pre-emption is a very weak right and, therefore, to succeed in a suit for pre-emption, the first and the foremost condition is that the plaintiff has to plead that before filing the suit, he had fulfilled the requirements of Talbs, and thereafter he has to prove the performance of Talb-i-Muwathibat and Talb-i-Ishhad.

— if the performance of a single Talb skips or is not proved, the superstructure and edifice of the suit fall, on the ground.

— the service of Talb-i-Ishhad is a prerequisite, and if the performance of the same is not proved beyond any shadow as well as in the prescribed form, then the whole structure falls on the ground.

— a plaint wherein the date, place, and time of Talb-i-Muwathibat and the date of issuing notice of performance of Talb-i-Ishhad are not provided would be fatal for the pre-emption suit.

LEGAL PRINCIPLES EXPOUNDED

Pre-emption is a weak right; pleading and proof of Talbs is the foremost condition to succeed in a pre-emption suit.

Source: *the right of pre-emption is a very weak right and, therefore, to succeed in a suit for pre-emption, the first and the foremost condition is that the plaintiff has to plead that before filing the suit, he had fulfilled the requirements of Talbs, and thereafter he has to prove the performance of Talb-i-Muwathibat and Talb-i-Ishhad.*

Authority: *Sardar Muhammad (deceased) through LRs v. Taj Muhammad (deceased) through LRs and others (2023 SCMR 1113)*

Failure to prove any single Talb results in collapse of the entire pre-emption claim.

Source: *if the performance of a single Talb skips or is not proved, the superstructure and edifice of the suit fall, on the ground.*

Authority: *Sardar Muhammad (deceased) through LRs v. Taj Muhammad (deceased) through LRs and others (2023 SCMR 1113)*

The date, place and time of Talb-i-Muwathibat and the date of Talb-i-Ishhad must be specifically pleaded; omission is fatal.

Source: *it would be mandatory to mention in the plaint the date, place and time of performance of Talb-i-Muwathibat because from such date the time provided by the statute, i.e., fourteen days, could be calculated*

Authority: *Mian Pir Muhammad and another v. Faqir Muhammad through L.Rs. and others (PLD 2007 SC 302)*

Service of notice for Talb-i-Ishhad must be proved strictly and in the prescribed form.

Source: *the service of Talb-i-Ishhad is a prerequisite, and if the performance of the same is not proved beyond any shadow as well as in the prescribed form, then the whole structure falls on the ground.*

Authority: *Muhammad Riaz v. Muhammad Ramzan (2023 SCMR 1305)*

Revisional jurisdiction under Section 115, C.P.C. is confined to jurisdictional defects and material irregularity; it is not for reappraisal of concurrent findings on a different view.

Source: *the revisional Court is not vested with unlimited authority to reappraise evidence or disturb concurrent findings merely on the basis of a different possible view. Rather, its jurisdiction is confined to examining jurisdictional defects*

Authority: *Ijaz Ahmed v. Noor ul Ameen (2022 SCMR 1522)*

OPERATIVE ORDER

For what has been discussed above, this petition being devoid of merit is dismissed and leave to appeal is refused.

■ **View Full Judgment**

FAMILY / REMAND BY APPELLATE COURT / KHULA AND DOWER

Muhammad Zubair v. Mst. Raheela Gul etc.

PETITION CONVERTED INTO APPEAL; ALLOWED; MATTER REMANDED TO APPELLATE COURT FOR FINAL DECISION WITHIN THREE MONTHS

C.P.L.A. No.5464/2025 · Bench: Mr. Justice Yahya Afridi, CJ; Mr. Justice Shahid Bilal Hassan · Decided: 02.04.2026 (announced 02.06.2026) · Uploaded: 03 June 2026

FACTS

Mst. Raheela Gul, with her daughters Iman Zahra and Muzazin Zahra, instituted Family Suit No.70/3N of 2017 before the Family Court-I, Dera Ismail Khan against Muhammad Zubair Khalid, seeking dissolution of marriage, recovery of dower, gold ornaments, maintenance for the minors and respondent No.1, and possession of one-fourth share in a house. The petitioner filed a written statement and counter-claimed restitution of conjugal rights and recovery of gold ornaments. He was later proceeded against ex parte and an ex parte judgment and decree dated 11.03.2020 was passed, granting (i) dissolution on the basis of Khula; (ii) decree for alternate market value of one-fourth share of the house; (iii) decree for recovery of five tolas gold ornaments; and (iv) maintenance for the minors at Rs.4,000/- per month each. The petitioner's appeal was allowed and the matter remanded vide judgment and decree dated 23.05.2022. Through Writ Petition No.110-D of 2024, the Peshawar High Court, D.I. Khan Bench (08.10.2025) set aside the appellate judgment dated 30.05.2024 and restored the Family Court's judgment and decree dated 25.01.2023.

LEGAL ISSUE

Whether, in the facts and circumstances of the case, the appellate Court was justified in remanding the matter to the trial Court for fresh decision on certain issues, or whether, having the complete record and evidence before it, the appellate Court ought itself to have finally adjudicated the controversy in exercise of its appellate jurisdiction instead of directing a remand.

HOLDING

The Supreme Court held that the appellate Court did not exercise its jurisdiction in accordance with law in passing the remand order. None of the conditions justifying remand were shown to exist: issues had been framed, full opportunity to lead evidence afforded, and reasoned findings rendered. The appellate Court's observation that pre-trial proceedings had not been conducted was not borne out from the record. The fact that the petitioner had been proceeded against ex parte after entering appearance and filing a written statement did not justify remand; a litigant who voluntarily withdraws from proceedings cannot invoke his own default to seek reopening. Further, the appellate Court did not identify any specific issue requiring limited reconsideration. The petition was converted into an appeal and allowed; the judgments of the High Court and of the appellate Court were set aside; the matter was remanded to the appellate Court to decide itself on the existing record within three months.

LEGAL SIGNIFICANCE

The judgment authoritatively delineates the scope of an appellate Court's power of remand, particularly in family litigation. It reaffirms that remand is corrective and exceptional, not routine, and cannot be used to prolong litigation, reopen concluded matters, or allow a negligent litigant to fill lacunae. It clarifies that an

appellate Court abdicates its responsibility if, with the complete record before it, it sends a matter back for fresh decision without identifying specific issues requiring limited reconsideration. The decision also confirms that a party who, after contesting, voluntarily absents itself at the evidence stage cannot leverage its own ex parte default for a fresh trial. In family disputes involving spouses and children, the Court emphasised the need for prompt and final adjudication, fixing a three-month outer limit.

LEGAL PROPOSITIONS (VERBATIM)

— The power of remand is a corrective and exceptional jurisdiction, to be exercised with great circumspection and only where the interests of justice so demand, such as when a material issue has remained wholly undecided, essential evidence has not been considered, or a party has been denied a fair and meaningful opportunity to present its case.

— such power cannot be employed as a device to prolong litigation, reopen concluded matters, or afford a negligent litigant a fresh opportunity to fill lacunae, improve deficiencies, or repair the weakness of his case.

— A litigant who, after entering contest, voluntarily withdraws from the proceedings cannot subsequently invoke his own default as a basis to seek reopening of the case or a fresh trial.

— Once the complete record was before the appellate forum, it was incumbent upon it to pronounce upon the rights of the parties itself rather than expose them to another round of avoidable litigation.

LEGAL PRINCIPLES EXPOUNDED

Remand is corrective and exceptional, exercised only where a material issue remains undecided, essential evidence has not been considered, or a party has been denied a fair hearing.

Source: *The power of remand is a corrective and exceptional jurisdiction, to be exercised with great circumspection and only where the interests of justice so demand, such as when a material issue has remained wholly undecided, essential evidence has not been considered, or a party has been denied a fair and meaningful opportunity to present its case.*

Authority: *Noor Muhammad (deceased) through LRs v. Muhammad Ashraf (PLD 2022 SC 248); Messrs Shah Nawaz Khan and Sons v. Government of NWFP (2015 SCMR 945); Rehman Shah v. Sher Afzal (2009 SCMR 462); Habib Ullah v. Azmat Ullah (PLD 2007 SC 271)*

Remand cannot be a device to prolong litigation or allow a negligent litigant to fill lacunae or improve his case.

Source: *such power cannot be employed as a device to prolong litigation, reopen concluded matters, or afford a negligent litigant a fresh opportunity to fill lacunae, improve deficiencies, or repair the weakness of his case.*

Authority: *Pramatha Nath Chowdhury v. Kamir Mondal (PLD 1965 SC 434); Fateh Ali v. Pir Muhammad (1975 SCMR 221); Arshad Ameen v. Messrs Swiss Bakery (1993 SCMR 216)*

Voluntary withdrawal from proceedings after entering contest cannot be invoked as a basis for reopening or fresh trial.

Source: *A litigant who, after entering contest, voluntarily withdraws from the proceedings cannot subsequently invoke his own default as a basis to seek reopening of the case or a fresh trial.*

Authority:

Where the complete record is before the appellate Court, it must decide the matter itself; a non-specific remand amounts to abdication of appellate responsibility.

Source: *the learned appellate Court, while directing remand, did not identify any specific issue requiring limited reconsideration, nor did it suitably confine the scope of further proceedings to any narrowly defined question. Instead, the matter was sent back for decision afresh ... Such an approach, absent compelling legal necessity, amounts to abdication of appellate responsibility.*

Authority:

Family litigation involving spouses and children requires prompt and final adjudication rather than prolonged uncertainty.

Source: *the matter arises out of family litigation, wherein the rights of spouses and children are involved and which, by its very nature, requires prompt and final adjudication rather than prolonged uncertainty.*

Authority:

OPERATIVE ORDER

For what has been discussed above, this petition is converted into an appeal and the same is allowed. The judgments of the learned High Court and of the learned appellate Court are set aside. The matter is remanded to the learned appellate Court, which shall decide the lis itself on the basis of the record already available, and after hearing the parties, within a period of three months from the date of receipt of certified copy of this order.

View Full Judgment