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CASE LAW UPDATES

Pakistan Superior Courts — Verified Judgment Digest

Friday, 22 May 2026

Upload Window: 22 May 2026 Carryover Supplement — FCC + SHC
FCC: 3 judgments | SHC: 10 judgments | SC/LHC/IHC: no new entries

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This is the Federal Constitutional Court and Sindh High Court supplement to the 22 May 2026 Case Law Updates issue. The main 22 May issue covered 2 Supreme Court and 13 Lahore High Court judgments. The 3 FCC judgments uploaded 21 May 2026 and 10 SHC judgments approved for reporting with order date 20-21 May 2026 were identified at the time but deferred owing to court-portal outages and extraction friction; they are reported here as a single supplementary issue.

Federal Constitutional Court of Pakistan

3 judgments

RETROSPECTIVE REGULARIZATION AND SENIORITY IN SERVICE

Muhammad Qutub-ud-Din & others v. Province of Sindh through Chief Secretary Government Sindh & others

APPEAL ALLOWED; IMPUGNED ORDERS AND JUDGMENT SET ASIDE

C.A. No. 103-K/2024 · Bench: Justice Syed Hasan Azhar Rizvi; Justice Muhammad Karim Khan Agha · Decided: 26.03.2026 (Judgment Reserved); announced 21.05.2026 · Uploaded: 21-05-2026

FACTS

The private respondent (Nadir Hussain Kanasro) was appointed in the Sindh Employees' Social Security Institution (SESSI) as a Social Security Officer (BS-16) on a two-year contract vide order dated 05.09.2002, with contractual extensions and ultimate regularization with immediate effect from 31.03.2007 vide order dated 07.04.2007. In 2013, after a lapse of about six years, he sought retrospective regularization and seniority from the date of his initial contractual appointment. Following a High Court order dated 06.05.2016 directing SESSI's Governing Body to decide his representation, the Body constituted a three-member Committee whose recommendations were approved at the 145th meeting on 28.01.2017, and vide impugned orders dated 01.03.2017 and 17.03.2017 his services were regularized with effect from 12.09.2002 and he was posted as Director (BS-18) at Defence/Clifton Directorate, Karachi, placing him senior to the appellants. The High Court dismissed the appellants' Constitution Petition (C.P. No. D-1859/2017) vide impugned judgment dated 04.06.2021; hence this appeal.

LEGAL ISSUE

Whether, under the Sindh Employees' Social Security Institution (Revised) Service Regulations, 2006, the private respondent could lawfully be granted retrospective regularization by counting his earlier period of contractual service and, on that basis, be assigned seniority over the appellants who had been appointed on a regular basis during the subsistence of his contractual tenure; and whether a Constitution Petition under Article 199 was maintainable against SESSI notwithstanding that the Regulations of 2006 are non-statutory.

HOLDING

The Court held that the Constitution Petition was maintainable since SESSI is a statutory body performing public functions, and constitutional jurisdiction under Article 199 may be invoked where the act of a statutory authority is violative of service rules or regulations, even if non-statutory. On the merits, Regulation 9(3) of the Regulations of 2006 unequivocally provides that the seniority of a member of the service shall be reckoned from the date of his regular appointment; a contractual appointment cannot be equated with a regular appointment and the period of contractual service cannot be treated as regular service absent an express statutory provision. The Governing Body had no enabling provision authorizing retrospective seniority, and Regulation 9(4) could not be stretched to override Regulation 9(3). The impugned orders dated 01.03.2017 and 17.03.2017 were set aside, the appellants were declared lawfully entitled to rank senior to the private respondent, and SESSI was directed to issue a revised seniority list within sixty days.

LEGAL SIGNIFICANCE

The judgment authoritatively reaffirms that, in the absence of an express statutory provision, seniority is to be reckoned from the date of regular appointment and not from the date of initial contractual, ad hoc, or officiating appointment. It clarifies that regulations governing seniority (Regulation 9(3)) and those governing the permissibility of retrospective regularization (Regulation 9(4)) operate in distinct fields and must be read harmoniously, so that even where retrospective regularization is permissible, it does not automatically carry retrospective seniority unless expressly provided. It also reinforces that Article 199 jurisdiction is available against statutory bodies acting in violation of even non-statutory service regulations, distinguishes obiter remarks of the Supreme Court in 2014 SCMR 1289 from binding ratio under Article 189, and emphasizes that seniority once accrued is a valuable civil right protected by Articles 4, 25 and 27 of the Constitution.

LEGAL PROPOSITIONS (VERBATIM)

- a contractual appointment cannot be equated with a regular appointment, and the period of service rendered on a contractual basis cannot be treated as regular service in the absence of an express statutory provision to that effect;
- an employee, prior to regularization, remains outside the regular cadre and does not acquire any substantive right in the service, including any vested right relating to seniority;
- seniority is ordinarily to be reckoned from the date of regular appointment and not from the date of initial contractual, ad hoc, or officiating appointment, unless the governing law expressly provides otherwise.
- the SESSI is directed to issue a revised seniority list of the parties within sixty days from the date of this judgment, strictly in accordance with the declarations made hereinabove

LEGAL PRINCIPLES EXPOUNDED**Constitutional jurisdiction under Article 199 lies against statutory bodies even where the impugned action arises under non-statutory regulations.**

Source: the constitutional jurisdiction under Article 199 of the Constitution may be invoked where the act of a statutory authority is violative of service rules or regulations, even if such regulations are non-statutory in nature

Authority: *Pakistan Defence Officers' Housing Authority v. Lt. Col. Syed Jawaid Ahmed* (2013 SCMR 1707); *Muhammad Rafi v. Federation of Pakistan* (2016 SCMR 2146)

Existence of an alternate remedy is not an absolute bar to constitutional jurisdiction.

Source: the mere existence of an alternate remedy does not constitute an absolute bar to the invocation of constitutional jurisdiction under Article 199 of the Constitution. Rather, it is merely one of the factors to be taken into consideration

Authority: *Airport Support Services v. The Airport Manager, Quaid-e-Azam International Airport* (1998 SCMR 2268)

Contractual and regular appointments are legally distinct and not interchangeable.

Source: A contractual appointment, by its very nature, is tenure-based and does not confer substantive status in service unless and until the employee is regularly appointed in accordance with law

Authority: *Major (R) Nisar Ali v. Pakistan Atomic Energy Commission* (2004 PLC (C.S.) 758)

Retrospective seniority requires clear sanction of law and cannot be conferred by administrative discretion in derogation of governing rules.

Source: the grant of retrospective seniority to an employee must have a clear sanction of law. In the absence of any express statutory provision, the seniority of an employee cannot be reckoned from the date of his initial contractual appointment

Authority: *Syed Muddasar Shah Termizi v. Peshawar High Court* (2021 SCMR 116)

Only the ratio decidendi binds under Article 189; obiter or sub silentio observations do not constitute authoritative precedent.

Source: only the ratio decidendi of a judgment, and not every general observation made therein, constitutes a binding precedent within the contemplation of Article 189 of the Constitution. The observations made sub silentio or obiter dicta, particularly on issues not directly arising for determination, cannot be treated as laying down an authoritative principle of law

Authority: *Sh. Muhammad Rafique Goreja v. Islamic Republic of Pakistan* (2006 SCMR 1317); *Sindh High Court Bar Association v. Federation of Pakistan* (PLD 2009 SC 879)

OPERATIVE ORDER

In view of the foregoing discussion, and upon a comprehensive reappraisal of the peculiar facts and circumstances of the case, we hold, declare, and direct as under: -- a) that a contractual appointment cannot be equated with a regular appointment, and the period of service rendered on a contractual basis cannot be treated as regular service in the absence of an express statutory provision to that effect; b) that an employee, prior to regularization, remains outside the regular cadre and does not acquire any substantive right in the service, including any vested right relating to seniority; c) that seniority is ordinarily to be reckoned from the date of regular appointment and not from the date of initial contractual, ad hoc, or officiating appointment, unless the governing law expressly provides otherwise. Consequently, the impugned orders dated 01.03.2017 and 17.03.2017 are hereby set aside; d) that the appellants were appointed in the SESSI on a regular basis during the period when the private respondent, namely Nadir Hussain Kanasro, was still serving on a contract and, therefore, the appellants were lawfully entitled to rank senior to the private respondent in the seniority list; and e) that the SESSI is directed to issue a revised seniority list of the

parties within sixty days from the date of this judgment, strictly in accordance with the declarations made hereinabove. Accordingly, the appeal is allowed in the terms noted above and the impugned judgment dated 04.06.2021, passed by the High Court of Sindh, is set aside with no order as to costs.

■ [View Full Judgment](#)

INTER SE SENIORITY ON MERIT VERSUS JOINING DATE

Capt. Muhammad Ali Khan v. Port Qasim Authority, through its Chairman and others

APPEAL ALLOWED; IMPUGNED SENIORITY LIST SET ASIDE

C.A. No. 112-K/2024 · Bench: Justice Syed Hasan Azhar Rizvi; Justice Muhammad Karim Khan Agha · Decided: 30.03.2026 (Judgment Reserved); announced 21.05.2026 · Uploaded: 21-05-2026

FACTS

The appellant and the private respondents were appointed to vacant posts of Pilot/Tug Commanders (BS-19) at the Port Qasim Authority (P.Q.A.) on one-year contract basis, pursuant to a single selection process under an advertisement dated 24.07.2009 published in Daily Dawn and the Departmental Selection Committee's recommendations dated 29.09.2009, which placed the appellant 3rd in merit and the private respondents 4th and 5th. The private respondents joined on 09.10.2009 and the appellant on 10.10.2009. Their services were subsequently regularized with effect from their respective dates of joining. Over seven years later, P.Q.A. issued the impugned seniority list dated 26.12.2019, placing the private respondents above the appellant on the basis of dates of joining. The appellant's objections dated 11.01.2020 and reminder dated 10.12.2020 went unaddressed. His Constitution Petition (C.P. No. D-6095 of 2021) was dismissed by the High Court vide impugned judgment dated 30.08.2022; hence this appeal.

LEGAL ISSUE

Whether the inter se seniority of officers selected through a single selection process in one batch is to be determined on the basis of the merit assigned by the Selection Committee or on the basis of the dates of their actual assumption of charge/joining; the effect of Regulation 62(4) of the Port Qasim Authority Employees Service Regulations, 2011 (regularization from date of joining) on seniority; and whether a contractual clause disclaiming any right to seniority and the plea of laches bar the appellant's challenge.

HOLDING

The Court held that appointments made pursuant to a single selection process are deemed to belong to the same batch and inter se seniority must be determined strictly in accordance with merit assigned by the Selection Committee, not the fortuitous date of joining. Regulation 62(4) of the Regulations of 2011 governs only the regularization of contractual employees and cannot override the merit-based principle for seniority; Rule 2(2) of the Civil Servants (Seniority) Rules, 1993 reinforces the same. The contractual disclaimer of any seniority right is inconsistent with statutory rules and public policy and has no legal effect. The plea of laches failed for want of proof of service or knowledge of the earlier seniority lists. The impugned judgment and the impugned seniority list (and other lists ranking the appellant below the private respondents) were set aside, P.Q.A. was directed to issue a revised seniority list in accordance with merit, and general directions were issued for the timely preparation, revision and online publication of seniority lists across government departments, statutory bodies, and government-owned or controlled organizations.

LEGAL SIGNIFICANCE

The judgment establishes a binding rule that, where appointees are recruited through a single selection process and form one batch, inter se seniority is governed by the merit assigned by the Selection Committee and not the date of joining, harmonizing service regulations on regularization with statutory rules on seniority. It confines the principle that seniority dates from regular appointment to disputes between retrospectively regularized and permanently appointed employees, and limits Regulation 62(4) of the P.Q.A. Regulations to regularization without disturbing merit-based seniority. It distinguishes the constitutional oath-based seniority

in PLD 2019 SC 509 from statutory service contexts, holds private contractual disclaimers cannot waive statutory rights, and issues system-wide directions under Article 19A requiring annual review, publication and online updating of seniority lists to be communicated through all Chief Secretaries and the Establishment Division.

LEGAL PROPOSITIONS (VERBATIM)

- *It is a settled proposition of law that appointments made pursuant to a single selection process are deemed to belong to the same batch. The inter se seniority of such appointees is to be determined strictly in accordance with the merit assigned to them by the Selection Committee, and not on the basis of the fortuitous date of their joining.*
- *Regulation 62(4) cannot be read in isolation or in a manner that defeats the settled principles governing the determination of seniority.*
- *the maintenance and disclosure of updated seniority lists are not matters of administrative discretion or grace, but rather legal obligations flowing from the constitutional mandate of transparency.*
- *contractual conditions inconsistent with statutory rules or public policy cannot override the rights conferred by law.*

LEGAL PRINCIPLES EXPOUNDED

Merit assigned by the Selection Committee, not the date of joining, governs inter se seniority of appointees selected in a single batch.

Source: *appointments made pursuant to a single selection process are deemed to belong to the same batch. The inter se seniority of such appointees is to be determined strictly in accordance with the merit assigned to them by the Selection Committee, and not on the basis of the fortuitous date of their joining*

Authority: *Wazir Khan v. Government of N.W.F.P. (2002 SCMR 889); Dr. Sabir Zameer Siddiqui v. Mian Abdul Malik (1991 SCMR 1130); Rule 2(2) of the Civil Servants (Seniority) Rules, 1993*

Recommendations of a duly constituted Selection Authority are binding and cannot be selectively implemented by the appointing authority.

Source: *The Department or the Government had no right except by overruling the Public Service Commission and reporting to it so to deviate from the recommendations of the Public Service Commission, both with regard to selection and the merit of the selectee. There could be no exercise of pick and choose from the recommendations of the Public Service Commission.*

Authority: *Zia-ul-Haq v. Secretary, Ministry of Education (1991 SCMR 1632)*

Regulation 62(4) of the Regulations of 2011 governs regularization only and cannot subordinate merit-based seniority to the timing of joining.

Source: *this regulation is intended to provide a general rule for the regularization of contractual employees in ordinary circumstances. It says nothing about the seniority of persons initially appointed through a single selection process and as part of one batch*

Authority:

Contractual clauses inconsistent with statutory service rules or public policy cannot override rights conferred by law.

Source: *Such a clause, therefore, cannot be construed as an absolute waiver of a statutory or legal right, particularly when the determination of seniority is governed by the applicable service rules and regulations rather than by private contractual stipulations*

Authority: *Pakistan v. Public at Large (PLD 1987 SC 304); Ikram Bari v. National Bank of Pakistan (2005 SCMR 100); Khalid Mehmood v. State Life Insurance Corporation (2018 SCMR 376)*

Laches/acquiescence require proof of knowledge of the impugned action; absent service or acknowledgment, the plea cannot defeat a timely challenge.

Source: *the plea of laches or acquiescence can only be sustained where it is shown that the aggrieved party had knowledge of the impugned action and, despite such knowledge, failed to act within a reasonable time*

Authority: *Federation of Pakistan v. B.A. Tabassum (1995 SCMR 1229); Sarosh Haider v. Muhammad Javed Chundrigar (PLD 2014 SC 338)*

OPERATIVE ORDER

For the foregoing reasons, the appeal is allowed, and the impugned judgment dated 30.08.2022 passed by the High Court of Sindh is set aside while holding that the inter se seniority of the appellant and the private respondents shall be determined in accordance with the order of merit assigned by the Committee, and not on the basis of the dates of their joining. Accordingly, the impugned seniority, including all other seniority lists, issued by the Port Qasim Authority, wherein the appellant (Capt. Muhammad Ali Khan) has been shown junior to respondent No. 3 (Capt. Syed Muhammad Irfan) and respondent No. 4 (Capt. Shaikh Naeemuddin), is also set aside. The Port Qasim Authority is directed to issue a revised seniority list in accordance with the above determination. No order as to costs. Before parting with this judgment, it is pertinent to observe that it is a widespread and undesirable practice among many government departments, including statutory bodies and Government-owned or controlled organizations that updated seniority lists of their officers are either not issued at regular intervals or are not revised promptly after promotions or the fresh recruitment, as in this case, the provisional seniority list was issued after more than seven years of the regularization of the appellant. Such inaction often results in avoidable disputes at a later stage, particularly when promotion cases arise, thereby leading to unnecessary litigation and administrative uncertainty. The timely preparation, revision, and circulation of seniority lists is not a mere formality; rather, it is an essential component of transparent and fair service administration. It ensures clarity in the service structure, safeguards the rights of officers, and minimizes the risk of arbitrariness and favoritism. The failure to maintain and communicate updated seniority positions undermines institutional efficiency and erodes the confidence of the officers in the system. Moreover, in the contemporary era of digital governance, there is no justification for withholding such information from the concerned officers or the public. The right to access information relating to public affairs, including the service structure of government departments, is a fundamental right guaranteed under Article 19A of the Constitution. The maintenance and disclosure of updated seniority lists are not matters of administrative discretion or grace, but rather legal obligations flowing from the constitutional mandate of transparency. Therefore, for the proper and efficient administration of every service, cadre, or post, it is directed that: a) the appointing authorities, in all Government Departments, including statutory bodies and Government-owned or controlled organizations, shall ensure the timely preparation, maintenance, and circulation of seniority lists of the members for the time being of such service, cadre, or post immediately after every fresh recruitment, promotion, regularization, or any other change affecting seniority; And b) the appointing authority shall, in the month of January each year, cause the seniority lists to be reviewed and updated. Such updated seniority lists shall not only be circulated among all concerned but shall also be uploaded and regularly updated on the official websites of the respective departments. The office is directed to send a copy of this judgment to all Chief Secretaries of the Provinces as well as to the Secretary, Establishment Division, Government of Pakistan, Islamabad, with the direction to disseminate the same to all administrative departments under their respective control, so as to ensure uniform compliance with the above directions in letter and spirit.

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CONSENT ORDER; APPOINTMENT OF ADMINISTRATOR FOR COOPERATIVE SOCIETY ELECTIO

Ghulam Hussain Khawaja v. Province of Sindh & others

LEAVE TO APPEAL REFUSED; PETITION DISMISSED

F.C.P.L.A. No. 566 of 2026 · Bench: Justice Aamer Farooq; Justice Syed Arshad Hussain Shah · Decided: 15.04.2026 · Uploaded: 21-05-2026

FACTS

During the election process of Makli Co-operative Housing Society Limited, the Registrar, Cooperative Societies, Sindh passed an order dated 02.04.2024 under Section 81(1)(vi) of the Sindh Cooperative Societies Act, 2020 appointing Mr. Fayaz Ali Channa and Mr. Kundan as Chairman and Honorary Secretary respectively to take over the Society's affairs, issued a show cause notice under Section 59(1) to the Society's Secretary without providing the required opportunity of hearing, and issued a warrant for inquiry into the Society's affairs. The petitioner and other managing committee members challenged these actions before the High Court of Sindh under Article 199. By order dated 29.01.2026 in C.P. No. D-1773 of 2024, the High Court, with the consent of the parties, declared the Registrar's order, show cause notice and warrant void ab initio and appointed Mr. Justice (Retd.) Nadeem Azhar Siddiqui as Administrator/Election Officer with directions to hold elections within three months and hand over management to the elected body. The petitioner challenged the appointment of the Administrator before the Federal Constitutional Court.

LEGAL ISSUE

Whether the High Court, having declared the Registrar's actions void ab initio, lacked jurisdiction to appoint an Administrator/Election Officer (particularly one from outside the Cooperative Department) where no such relief had been sought, and whether such appointment amounted to an impermissible exercise of suo motu jurisdiction; and whether a consent order so passed can be challenged on appeal.

HOLDING

The Court held that under Article 199(1)(c), as recognized by the five-member bench of the Supreme Court in *Wattan Party* (PLD 2011 SC 997), the High Court may make appropriate orders and give directions to any person or authority for enforcement of fundamental rights, and the appointment of an Administrator from outside the Cooperative Department was not alien to established practice since a similar dispute concerning the same Society in 2020 had resulted in the appointment of the Nazir of the High Court as Election Officer. More fundamentally, the impugned order was a consent order, which is binding on the parties and cannot be challenged; any deviation therefrom amounts to contempt of Court. The petitioner failed to identify any illegality, infirmity or jurisdictional defect, the timeframe stipulated by the High Court was about to culminate, and interference would prejudice the fundamental rights of the Society's members. Leave to appeal was accordingly refused and the petition dismissed.

LEGAL SIGNIFICANCE

The judgment reaffirms the binding character of consent orders and the established disapproval by the superior judiciary of attempts to challenge them, grounding the rule in legal estoppel and the moral/ethical sanctity of undertakings given in Court. It also confirms the breadth of High Court jurisdiction under Article 199(1)(c) to issue appropriate directions to any person or authority for enforcement of fundamental rights, including the appointment of an Administrator/Election Officer from outside the relevant statutory department, in the cooperative societies context. It signals that the Federal Constitutional Court will not interfere with consensual case management orders of the High Court at the tail-end of their implementation, where doing so would prejudice the fundamental rights of stakeholders such as members of a cooperative society.

LEGAL PROPOSITIONS (VERBATIM)

- *consent order cannot be challenged and is binding on the parties*
- *the Court can make an order giving such direction to any person or authority including any government exercising power or performing any function and, in or, in relation to, in any territory within its jurisdiction as may be appropriate for enforcement of Fundamental Rights conferred by Chapter 1 of Part II of the Constitution.*
- *the impugned order was passed with the consent of the parties, which was obligatory upon them and any deviation therefrom is tantamount to contempt of Court*

LEGAL PRINCIPLES EXPOUNDED

The High Court under Article 199(1)(c) may direct any person or authority as appropriate for enforcement of fundamental rights.

Source: the Court can make an order giving such direction to any person or authority including any government exercising power or performing any function and, in or, in relation to, in any territory within its jurisdiction as may be appropriate for enforcement of Fundamental Rights conferred by Chapter 1 of Part II of the Constitution

Authority: Wattan Party (PLD 2011 SC 997)

Appointment of an Administrator/Election Officer from outside the Cooperative Department in cooperative society disputes is an established practice and not an exercise of suo motu jurisdiction.

Source: the appointment of an Administrator/Election Officer from outside the Cooperative Department is not alien to the established practice. It further negates the contention of the learned counsel that the impugned order is out of mandate of the High Court and amounts to exercise of suo moto jurisdiction

Authority:

Consent orders are binding on the parties and cannot be challenged; any deviation amounts to contempt of Court.

Source: It is a well settled principle that consent order cannot be challenged and is binding on the parties

Authority: 1997 SCMR 1301; 1984 SCMR 730

Undertakings given in Court attract legal estoppel and are immoral and unethical to challenge.

Source: the parties are precluded to challenge the same as undertaking given by a party in the Court of law has to be given sanctity because on one hand there is a legal estoppel and on the other it is immoral and unethical

Authority: 2011 SCMR 1361

OPERATIVE ORDER

In view of the foregoing, we find no reason to interfere in the impugned order, particularly, it being a consent order. Consequently, leave to appeal is refused, and the instant petition stands dismissed.

■ [View Full Judgment](#)

Sindh High Court

10 judgments

OUTSOURCED STAFF REGULARIZATION IN NBP

Adil Khan and others v. National Bank of Pakistan and others (and connected petitions: Sabir Ali Jatt; Imran Khan; Nisar Ahmed; Abdul Latif)

PETITIONS DISMISSED; NO REGULARIZATION RIGHT

Const. P. 4499/2019 (and connected Const. P. 4500/2019, 4501/2019, 6466/2019, 272/2021) | 2026 SHC KHI 1138 · Bench: Mr. Justice Adnan-ul-Karim Memon; Mr. Justice Zulfiqar Ali Sangi · Decided: 21-05-2026 · Uploaded: (order date — SHC portal does not expose upload date)

FACTS

Petitioners, engaged at various times through outsourcing companies, contractors or third-party service providers against posts such as Janitorial Staff, Liability Sales Officers, Collection Officers, Reconciliation Officers, Data Entry Operators, Processing Officers, Cash Sorters, Drivers and Office Attendants, invoked Article 199 read with Articles 2-A, 3, 4, 9, 11, 25, 37 and 38 seeking regularization in NBP from dates of initial induction with consequential benefits, and in some petitions reinstatement after termination. They asserted that NBP — a statutory corporation under the National Bank of Pakistan Ordinance, 1949, governed by the statutory Staff Service Rules, 1973 — had directly supervised them, that the outsourcing device was sham and exploitative, and that NBP itself had initiated a regularization process via its 283rd Board Meeting (27.04.2018) and Circular No.184/2018 dated 24.05.2018, followed by Cross Functional Scrutiny Committees. NBP and the intervenor contractor denied any employer-employee relationship, raised territorial-jurisdiction and disputed-fact objections, and relied on the Federal Constitutional Court decision in Muhammad Zubair Khan and others.

LEGAL ISSUE

Whether persons admittedly engaged through third-party contractors or outsourcing agencies can claim regularization, absorption or permanent appointment in the service of the National Bank of Pakistan merely on the basis of long association, continuous deployment, or performance of duties of permanent nature within the premises of the Bank; and whether the SHC at Karachi possesses territorial jurisdiction where petitioners belong to other districts/provinces but the Bank's Head Office is in Karachi.

HOLDING

The Court repelled the territorial-jurisdiction objection, holding that since NBP's Head Office is at Karachi and the impugned outsourcing/regularization policies emanate from there, a substantial and integral part of the cause of action arose within Sindh. On merits, however, the Court held that the petitioners had failed to place on record any appointment letter, office order or contract of service issued by NBP; their salaries were paid by private contractors; the outsourcing agreements expressly stipulated that the personnel would remain employees of the contractors alone; and the Federal Constitutional Court in Muhammad Zubair Khan (C.P.L.A. Nos. 3615 to 3619 of 2024) — binding under Article 189 post-27th Constitutional Amendment — had disagreed with *PSO v. Bakht Siddique* and held that outsourcing does not make personnel employees of

the principal. Article 25 does not envisage negative equality. The petitions were dismissed with liberty to seek remedies against contractors under labour laws.

LEGAL SIGNIFICANCE

The judgment applies the Federal Constitutional Court's binding ruling in Muhammad Zubair Khan to NBP outsourced-staff regularization litigation in Sindh, effectively neutralizing the line of Supreme Court authority headed by *PSO v. Bakht Siddique* (2018 SCMR 1181). It confirms that under Article 189 read with Article 175-B (post-27th Constitutional Amendment), FCC decisions are binding on the Supreme Court and all other courts. The judgment also entrenches the situs-of-head-office rule for territorial jurisdiction over statutory corporations, and crystallizes the position that long supervisory deployment of outsourced workers cannot mature into a constitutional regularization right against the principal.

LEGAL PROPOSITIONS (VERBATIM)

- *the principal organization does not automatically become the employer merely because the outsourced workers perform duties within its premises or under its administrative supervision.*
- *Article 25 of the Constitution does not envisage negative equality. An illegality committed in one case cannot be relied upon as a precedent for seeking repetition of the same illegality in another matter.*
- *appointments made dehors the rules neither create any vested right nor can continuation for a long period confer legality upon an otherwise unlawful induction.*
- *Legitimate expectation cannot operate against statutory provisions nor can it compel a public authority to act contrary to law.*

LEGAL PRINCIPLES EXPOUNDED

Territorial jurisdiction under Article 199 follows the situs of the principal/Head Office of the statutory corporation against whom relief is sought, even where petitioners reside or work elsewhere.

Source: where the Head Office or principal seat of a statutory corporation, autonomous body, public authority, or governmental institution is situated within the territorial jurisdiction of a High Court, and the challenged action has direct nexus with such office, the constitutional petition before such High Court is maintainable irrespective of the place where the aggrieved persons reside or perform duties.

Authority: Article 199, Constitution of Pakistan, 1973

A lawful employer-employee relationship requires direct appointment by the competent authority through prescribed recruitment procedure; physical presence at the workplace does not create such a relationship.

Source: The legal character of employment is determined not by physical presence at the workplace but by the legality, source, and mode of appointment.

Authority:

Outsourcing is a recognized mode of procurement; supervisory control by the principal employer for discipline/efficiency does not transform contractor employees into direct employees.

Source: Administrative or supervisory control exercised by the principal employer for ensuring discipline, efficiency, institutional standards, or quality of work cannot be equated with direct employment. Such supervision is merely incidental to the contractual arrangement

Authority:

Post-27th Amendment, decisions of the Federal Constitutional Court are binding on the Supreme Court and all other courts under Article 189; the FCC in Muhammad Zubair Khan has departed from *PSO v. Bakht Siddique* on outsourced regularization.

Source: Article 189 of the Constitution unequivocally stipulates that 'any decision of the Federal Constitutional Court shall, to the extent that it decides a question of law or is based upon or enunciates a principle of law, be binding on all other Courts in Pakistan including the Supreme Court.'

Authority: Muhammad Zubair Khan and others (C.P.L.A. Nos. 3615 to 3619 of 2024), FCC; Articles 175, 175-B, 189

Article 25 does not permit negative equality; a wrong concession to one person does not entitle another to claim the benefit of a wrong decision.

Source: Article 25 of the Constitution does not envisage negative equality. Such right can only be claimed when decision is taken in accordance with law. A wrong concession in favour of one person does not entitle any other

person to claim benefit of a wrong decision.

Authority: Chief Secretary, Government of Balochistan v. Adeel-ur-Rehman (C.A. No.441 of 2020); Province of Sindh v. Muhammad Taqi Shah (2018 SCMR 1607); Govt. of KP v. Saeed-UI-Hassan (2021 SCMR 1376)

OPERATIVE ORDER

For the foregoing reasons, we are of the considered view that the petitioners, having admittedly been engaged through third-party contractors or outsourcing agencies and not directly appointed by the respondent Bank through any lawful recruitment process, possess no vested legal right to seek regularization, absorption, or permanent appointment in the service of the respondent institution. Their engagement through outsourced arrangements neither creates any employer-employee relationship with the Bank nor confers any enforceable constitutional or statutory entitlement in their favour. Consequently, the instant petitions, being devoid of merit and unsupported by any lawful entitlement, are hereby dismissed along with all pending applications. The petitioners, if so advised, may avail any remedy otherwise available to them under the relevant labour laws, contractual arrangements, or other forums of competent jurisdiction against their respective contractors or service providers strictly in accordance with law. However, such grievances cannot be transformed into a claim for regular appointment in the service of the National Bank of Pakistan in the absence of lawful induction through prescribed procedure. Before parting with this judgment, it may be observed that dismissal of the present petitions shall not preclude the petitioners from availing any remedy otherwise available to them under the relevant labour laws or contractual arrangements against their respective employers, contractors, or service providers strictly in accordance with law.

■ View Full Judgment

BRT RED LINE CONTRACTOR SITE SEALING

AM Associates and another v. Government of Sindh through Chief Secretary and others

PETITION DISPOSED; MACHINERY SEALING ILLEGAL, CONTRACT REMEDY ELSEWHERE

Const. P. 2473/2026 | 2026 SHC KHI 1140 · Bench: Mr. Justice Muhammad Saleem Jessar; Mr. Justice Nisar Ahmed Bhanbhro · Decided: 21-05-2026 · Uploaded: (order date — SHC portal does not expose upload date)

FACTS

Petitioners — a joint venture of M/s China Railway-3 (Engineering Group) and M/s AM Associates (CR3-AM Associates JV) — were awarded the Karachi BRT Red Line Project, Lot-2 (Mosamiyat to Numaish) by M/s TransKarachi for a bid value of approximately Rs.15.94 billion under contract dated 04.01.2022. The JV had obtained 10 acres of KMC land near Aladin Park, Rashid Minhas Road, Block-II, Gulshan-e-Iqbal, in July 2022 on three years' rent (Rs.31,46,000 per six months) for camp office, labour accommodation, material yard and batching plants, subject to conditions including development of an Urban Forest/Public Park. After tenancy expiry on 20.07.2025, KMC issued a final notice dated 06.04.2026 for vacation; on its request, the Commissioner Karachi directed Deputy Commissioner Karachi East to retrieve possession. On 21.04.2026, revenue and police officials retrieved the land and sealed the camp office, machinery and material; on the same date TransKarachi issued a 14-day Notice of Termination under Sub-Clause 15.2 of the contract. The petitioners challenged the sealing and dispossession as high-handed and pre-planned; KMC was not arrayed as a respondent. A Nazir/Commissioner report showed it was the project camp office (not the project site on University Road) that had been sealed.

LEGAL ISSUE

Whether constitutional jurisdiction under Article 199 lies (i) to undo the retrieval of KMC land and sealing of the petitioners' camp office and machinery by revenue authorities acting at KMC's request under the Sindh Public Property (Removal of Encroachment) Act, 2010; and (ii) to interfere in the contractor's grievance over termination of the BRT Lot-2 contract by TransKarachi where the contract itself provides a complete dispute-resolution mechanism (Dispute Board / arbitration under Clause 20).

HOLDING

The Court held that on expiry of the lease/licence period on 20.07.2025, the JV's continued retention fell within the definition of encroachment under Section 3 of the Act-2010, for which the Act provides a self-contained mechanism including review under Section 4; KMC was the owner-applicant and had not been arrayed as respondent. The Court therefore declined to issue any writ against KMC. However, since neither KMC nor TransKarachi claimed ownership of the petitioners' machinery, the action of sealing the machinery — for which respondents could demonstrate no legal justification — was declared illegal and machinery was directed to be restored, subject to TransKarachi's contractual right under Clauses 17-19 to approach the Dispute Resolution Board within 30 days. As to the contract termination, the matter was held to fall squarely within Clause 20 (DB / arbitration); writ jurisdiction does not enforce contractual obligations or assume the policy-making domain. The Government of Sindh was directed to restore University Road within two months; BRT to be made functional by October 2027.

LEGAL SIGNIFICANCE

The judgment is a careful re-articulation of the limits of Article 199 in mega-infrastructure contract disputes. It (a) confirms that the Sindh Public Property (Removal of Encroachment) Act, 2010 is a self-contained code with statutory review; (b) holds that revenue authorities cannot use encroachment-retrieval powers as cover for unjustified sealing of a tenant's movables; (c) re-affirms that writ jurisdiction will not interfere where FIDIC-style multi-tier dispute resolution (DRB and arbitration under Clause 20) is contractually available; (d) protects public interest by issuing time-bound directions on University Road restoration and BRT completion; and (e) signals judicial concern at the conduct of TransKarachi — a public-trust Section 42 company — and the contractor in a project worth Rs.16 billion where 96% payment has been made against only 40% physical progress.

LEGAL PROPOSITIONS (VERBATIM)

— Admittedly Petitioners' lease / tenancy period expired on July, 20th 2025, further retention of land fell within the definition of encroachment embodied under section 3 of the Act-2010.

— In the instant matter petitioners seek enforcement of contractual obligations, such a relief falls outside the purview of article 199 of the Constitution.

— Executive enjoys powers to conceive development project, and such exercise cannot be ordinarily interfered with by this Court by invoking its jurisdiction under Article 199 of the Constitution, unless shown to be mala fide or in violation of the fundamental rights guaranteed under the Constitution to every citizen of this Country, thereby affecting the interest of public at large.

— Even this Court cannot treat the grievance of Petitioners as Public Pro bono as stressed that due to termination of contract, the execution of scheme will be delayed, because Petitioners themselves had a fiduciary interest in the matter.

LEGAL PRINCIPLES EXPOUNDED

On expiry/determination of lease or licence, continued retention of public property is statutorily deemed encroachment under Section 3 of the Sindh Public Property (Removal of Encroachment) Act, 2010, with a review remedy under Section 4.

Source: Lessee or licensee who after the expiry of the period of lease or license or on determination of such lease or license, continues to retain unlawfully possession of any public property shall for the purpose of this subsection, be deemed to be responsible for encroachment.

Authority: Sindh Public Property (Removal of Encroachment) Act, 2010, Sections 2(j), 2(o), 3, 4

Sealing of a contractor's movable machinery and material — where neither the public-property owner nor the project employer claims ownership of those movables — is without legal justification and liable to be declared illegal.

Source: Respondents No 3 to 6 failed to demonstrate any justification for sealing of property and Petitioners ought to have been given ample opportunity to lift material and machinery from premises. Hence, we feel no hesitation to hold that machinery and material was sealed without any legal justification.

Authority:

Article 199 will not be exercised to enforce contractual obligations where the contract itself provides a multi-tier dispute-resolution mechanism (Engineer's determination, Dispute Board,

arbitration).

Source: *Petitioners' emphasis for taking judicial notice of the violations of contractual obligations by M/S TranKarachi under writ jurisdiction of this Court was not tenable under the law. Clause 20 of the Contract Agreement envisaged a platform for resolution of claims and disputes.*

Authority: *Article 199; Contract Clause 20 (DB / Arbitration)*

A contractor with a fiduciary interest in a project cannot cloak its private grievance as public-interest litigation.

Source: *a person can invoke the Constitutional jurisdiction of the superior Courts as pro bono publico but while exercising this jurisdiction, he has to show that he is litigating, firstly, in the public interest and, secondly, for the public good or for the welfare of the general public.*

Authority: *Javed Ibrahim Paracha v. Federation of Pakistan, PLD 2004 SC 482*

Policy-making, prioritization and execution of development projects fall within the exclusive domain of the executive; courts will not assume those functions under Article 199 absent mala fides or violation of fundamental rights.

Source: *in order to expedite the progress of the Project, we cannot assume the functions of policy making or determining the priorities of various development projects in the country, which are the exclusive domain and functions of the Federal and Provincial Government*

Authority: *Watan Party v. Federation of Pakistan, PLD 2013 SC 167; Articles 29 and 38*

OPERATIVE ORDER

For the reasons to follow and subject to any modification or alteration(s) in the detailed order instant petition is being disposed of in the following manner:- i. The petitioner had obtained 10 acres of land near Aladin Park on Rashid Minhas Road, Block-11, Gulshan-e-Iqbal, Karachi on rental basis through order dated 21.07.2022 issued by the Senior Director Zoo Safari and Recreation, KMC for a period of 3 years. The land was rented out against six months payment of Rs.3,146,000/- for establishment of Camp office, labour accommodations, material yard and batching plants for Karachi Bus Rapid Transit Red Line Project. The tenancy period of three years expired on 20.07.2025 therefore through final notice dated 06.04.2026 KMC demanded possession of the land within seven days. On failure to handover the land, the Commissioner Karachi was requested by KMC to retrieve the possession and accordingly on 20.04.2026 possession of the land was taken over alongwith the machinery and other material and handed over to KMC. Since possession of the land now lies with KMC and petitioner has not arrayed owner of the property as party to the proceedings therefore no writ can be issued against a person who is not party in the proceedings. ii. Since the Revenue Authorities had acted under the directives of KMC for retrieval of possession, for which due notice was given to the petitioner, as such the petitioner if aggrieved by an action of the Authority had a remedy under the provisions of Sindh Public Property (Removal of Encroachment) Act, 2010 to file a review petition, or as the case may be, to approach the concerned Tribunal. iii. While retrieving possession of the property machinery of the petitioner was also sealed. Since KMC or even the Trans Karachi has not claimed any right of the ownership of the machinery therefore the actions of the Authorities of sealing the machinery at the behest of KMC is declared illegal. However, if the Trans Karachi is of the view that in terms of clauses 17, 18 and 19 of the contract agreement the machinery is required by them they may approach the Dispute Resolution Board for retaining the machinery and in case the Board fails to decide the request of the Trans Karachi within thirty days' time the machinery shall be handed over to the petitioner as per endorsement of the Commissioner appointed by this Court, and inventory prepared by him. iv. As far as the contract on Bus Rapid Transit (BRT) is concerned, Employer Trans Karachi has already given a contract termination notice to the petitioner contractor and in terms of the contract agreement the same falls within the contractual dispute to be resolved by the Dispute Resolution Board or through Arbitration. The petitioner company shall be at liberty to avail the remedies available under the contract agreement. v. Since the contract was awarded to the petitioner company to an estimated cost of Rs. 16 billion and per the statement of learned Advocate General, Sindh that an amount of Rs.15 billion has already been disbursed to the contractor, the Trans Karachi shall be at liberty to claim the delay and defect liability payments against each other through mechanism provided under the contract agreement and vice versa if petitioner has any grievance in that regard. vi. Since it has been informed that the contract of the petitioner company has been terminated and the public in Karachi was/is suffering badly due to the bad condition of the University road, the Government of Sindh is directed to ensure that the University road is made full functional within a period of two months from the date of the order and there shall be no hindrance of any manner for the public and private transport on the University road. For that reason Government of Sindh may earmark additional funds directly or through re-appropriation. vii. As far as BRT is concerned, it is expected that as per the timeline given to the Court, i.e. October, 2027, the BRT shall be made functional within the said period. However, it is made clear that the construction of BRT shall not in any manner effect smooth flow of traffic on the

University road. Office is directed to send copy of this order to the respondents and the Chief Secretary, Sindh as well as Secretary Local Government for compliance. Learned MIT-II to ensure compliance.

■ [View Full Judgment](#)

HERITAGE DEMOLITION: ALAVI BUILDING PLOTS

Hari Das v. Province of Sindh and Others

PETITION DISPOSED; RESTRAINT ON PLOT SR-7/26 ONLY

Const. P. 5040/2024 | 2026 SHC KHI 1142 · Bench: Mr. Justice Adnan-ul-Karim Memon; Mr. Justice Muhammad Hasan Akbar · Decided: 20-05-2026 · Uploaded: (order date — SHC portal does not expose upload date)

FACTS

The petitioner, a long-standing occupant of Office No.46 in the Alavi Building (Tayyabi Center) at Serai Quarters, Karachi, invoked Article 199 alleging illegal demolition of a heritage structure across Plot Nos. SR-7/26 and SR-7/27. He claimed possession for over four decades through pagri/tenancy and asserted the building was part of the historic pre-partition architecture and a notified/recommended heritage property. Despite stop-work and sealing notices, respondents Nos. 5 and 6 — claiming title through subsequent sublease — were said to be demolishing common amenities, parking and washrooms in collusion with officials. SBCA replied that demolition permission was lawfully granted on 31.05.2019 after the Culture, Tourism & Antiquities Department verified the plots were not in the protected-heritage list; Plot SR-7/27 stood demolished while SR-7/26 remained intact. The Directorate General (Antiquities & Archaeology) reported after physical inspection that the actual Alavi Building structure exists on Plot SR-7/26 and qualifies for declaration as protected heritage under the Sindh Cultural Heritage (Preservation) Act, 1994, the process being underway.

LEGAL ISSUE

Whether the High Court, in its constitutional jurisdiction, should restrain demolition of, and direct heritage-status determination for, Plot No. SR-7/26 (where the actual Alavi Building structure stands and which the Antiquities Directorate reports as qualifying for protection), while declining interference qua Plot No. SR-7/27 (already demolished under valid SBCA permission and not notified as heritage), in a controversy embedded with disputed proprietary and tenancy questions.

HOLDING

The Court bifurcated the two plots. Qua Plot SR-7/27, the SBCA permission of 31.05.2019 followed verification that the plot was 'not included' in the notified list, and the Antiquities Directorate confirmed it was never notified or recommended as protected heritage; the petitioner's claims of tenancy, pagri, easement and possession involved disputed facts unsuitable for Article 199 and were left to the civil forum. Qua Plot SR-7/26, the Antiquities Directorate having physically reported that the actual Alavi Building stands on it and qualifies for protected-heritage declaration under the Sindh Cultural Heritage (Preservation) Act, 1994, the matter assumed public importance for preservation of cultural assets. The Court directed the Directorate General (Antiquities & Archaeology) to finalize heritage status within 60 days after hearing all parties, and restrained respondents Nos. 5 and 6 from demolishing, altering or creating third-party interest in the existing structure pending decision; possession of the subject property to remain with the owners.

LEGAL SIGNIFICANCE

The judgment crystallizes the working interface between SBCA demolition permissions, the Sindh Cultural Heritage (Preservation) Act, 1994 and constitutional jurisdiction. It holds that (a) a valid SBCA permission supported by Antiquities Department non-inclusion verification insulates demolition from Article 199 challenge by a tenant; (b) once the Antiquities Directorate itself reports that a structure qualifies for heritage protection, a constitutional restraint pending final determination is justified as a public-interest measure for cultural-asset preservation; (c) settled possessory rights of occupants cannot be disturbed except in accordance with law,

but proprietary rights of owners equally cannot be curtailed by mere pendency of a heritage-status proposal; and (d) disputed civil claims (pagri, tenancy, easements, compensation) belong before the civil forum, not in writ jurisdiction.

LEGAL PROPOSITIONS (VERBATIM)

- *Mere pendency of a proposal or process for declaration of heritage status does not automatically extinguish proprietary rights of the owner.*
- *an occupant in settled possession cannot be dispossessed except in accordance with law.*
- *ownership rights recognized under law cannot be curtailed except in accordance with due process.*
- *it becomes the duty of the concerned authorities to ensure that no irreversible prejudice is caused to the structure before a final determination is made by the competent forum under the Sindh Cultural Heritage (Preservation) Act, 1994.*

LEGAL PRINCIPLES EXPOUNDED

Where demolition permission has been granted by the SBCA following verification that a plot is not on the notified list of protected-heritage properties, no ex facie illegality attaches that would attract writ jurisdiction.

Source: demolition permission had been granted by SBCA vide permission dated 31.05.2019 after verification from the competent Heritage Department that the said property was 'not included' in the notified list of protected heritage properties ... this Court does not find sufficient material to hold that the demolition carried out upon Plot No. SR-7/27 was ex facie without lawful authority.

Authority: Sindh Cultural Heritage (Preservation) Act, 1994

Disputed civil questions of tenancy, pagri, possession, easement or compensation cannot be adjudicated under Article 199.

Source: The question relating to proprietary rights, tenancy claims, easementary rights, pagri arrangements, compensation, or alleged interference with possession involves disputed questions of fact requiring evidence, which cannot appropriately be adjudicated in constitutional jurisdiction under Article 199 of the Constitution.

Authority: Article 199, Constitution of Pakistan, 1973

Where the Antiquities Department itself reports that a structure qualifies for protected-heritage status, a public-importance interest arises requiring interim protection of the structure pending final determination.

Source: once the competent Heritage Department itself has reported that Plot No. SR-7/26 qualifies for consideration as a protected heritage structure; the matter assumes public importance touching preservation of cultural and historical assets of the Province.

Authority: Sindh Cultural Heritage (Preservation) Act, 1994

Even pending heritage determination, proprietary rights of owners cannot be curtailed except by due process, while settled possession of occupants is protected.

Source: respondents Nos 5 and 6 claim ownership rights in the subject property through registered title documents/sublease arrangements, and ownership rights recognized under law cannot be curtailed except in accordance with due process.

Authority:

OPERATIVE ORDER

In view of the above discussion, this petition is disposed of with the following directions:- i. The competent authority of the Directorate General (Antiquities & Archaeology), Government of Sindh, shall examine and finalize, strictly in accordance with law, the status of Plot No. SR-7/26 and the structure known as 'Alavi Building' about its proposed/protected heritage status under the Sindh Cultural Heritage (Preservation) Act, 1994, after providing an opportunity of hearing to all concerned parties, preferably within a period of 60 days. ii. Till the final decision by the competent authority regarding Plot No. SR-7/26, respondent Nos. 5 and 6 shall not demolish, alter, or create any third-party interest in the existing structure situated upon Plot No. SR-7/26. iii. Since Plot No. SR-7/27 already stands demolished pursuant to demolition permission granted by SBCA, and the same is not presently declared or recommended as protected heritage; no restraint order is warranted about the said plot. However, this order shall not prejudice the rights of the petitioner or any other aggrieved person to seek appropriate remedy before the competent civil court/forum concerning tenancy, possession, easementary rights, compensation, or any other independent claim permissible under law. However, the possession of the subject property shall remain with the owners forthwith. iv.

The parties shall cooperate with the concerned authorities during inspection/survey proceedings, and the competent department shall pass a speaking order independently without being influenced by any observation made herein, which are tentative in nature. With the above observations and directions, this Constitution Petition stands disposed of along with all pending applications.

■ [View Full Judgment](#)

ASI PROMOTION DEFERMENT IN POLICE

Muhammad Amir Baloch & others v. Province of Sindh and Others

PETITION ALLOWED; DEFERMENT SET ASIDE

Const. P. 4597/2025 | 2026 SHC KHI 1143 · Bench: Mr. Justice Adnan-ul-Karim Memon; Mr. Justice Muhammad Hasan Akbar · Decided: 20-05-2026 · Uploaded: (order date — SHC portal does not expose upload date)

FACTS

The petitioners, appointed on 13.11.2004 through the Sindh Public Service Commission as ASIs (Computer) under the Police Order, 2002, completed training at PTC Shahdadpur and Saeedabad and, owing to non-availability of sanctioned posts in the Technical/Transport Branch, had their lien fixed and continuously served against regular ASI posts in the Executive Cadre for over twenty years. After this Court in C.P. No. D-4329 of 2019 declared illegal the respondents' attempt to redesignate them to the IT/Technical Cadre — affirmed substantially by the Supreme Court in Civil Appeal No.928 of 2020 by order dated 15.04.2024 — their seniority was fixed with their batch-mates. However, by letter dated 01.11.2024 the department decided the petitioners would still have to undergo practical courses A, B, C and D consuming nearly three years; in the DPC meeting of 19.11.2024 their promotion to Sub-Inspector was deferred solely on this ground, while similarly placed and even junior ASIs (including 2014 inductees) were promoted without completion of such courses. Petitioners are confirmed in service and their names exist in List-E maintained under Rule 13.10 of the Police Rules, 1934.

LEGAL ISSUE

Whether ASIs admittedly serving in the Executive Branch since 2004, confirmed in service and entered in List-E under Rule 13.10 of the Police Rules, 1934, could lawfully be deferred for promotion to Sub-Inspector solely on the ground of non-completion of practical training courses A, B, C and D — which under Rule 19.25(2) relate to probation — particularly where similarly placed and junior officers were promoted without completing those courses.

HOLDING

The Court held that the Supreme Court's order dated 15.04.2024 in Civil Appeal No.928 of 2020 recognized the petitioners as part and parcel of the Executive Branch entitled to all consequential service benefits including promotion with batch-mates, and the respondents could not indirectly defeat that judgment by imposing conditions never previously insisted upon during the petitioners' twenty-year service. Since the petitioners had completed over twenty years' service, undergone probation, were confirmed and were on List-E under Rule 13.10, insistence on probationary practical courses was a technical formality without rational nexus. Following *Gul Hasan Jatui v. Federation of Pakistan* (2016 SCMR 1254), departmental inaction in arranging courses could not prejudice vested service rights. Selective deferment, when juniors were promoted, offended Article 25. Deferment was declared illegal and set aside; respondents directed to process promotions with seniority and effect from the date 2004-batch-mates were promoted, with consequential benefits; a necessary course, if required, may be undertaken; exercise to be completed in one month.

LEGAL SIGNIFICANCE

The judgment is an important reaffirmation of three intersecting service-jurisprudence principles in policing: (a) compliance with a Supreme Court directive on seniority/promotion cannot be diluted by post-facto procedural conditions; (b) probationary training requirements under Rule 19.25 of the Police Rules, 1934 do

not retroactively apply to officers long-confirmed and entered in List-E under Rule 13.10; and (c) departmental failure to arrange/deputize for required courses cannot be visited on the employee. It also extends the principle of equal treatment under Article 25 to selective deferment within DPC proceedings where juniors have been promoted without the same precondition.

LEGAL PROPOSITIONS (VERBATIM)

— *the respondents, therefore, cannot indirectly defeat or dilute the effect of the judgment of the Hon'ble Supreme Court by imposing conditions which were never previously insisted upon during the petitioners' long service tenure.*

— *Once an employee has continuously served in the field for decades, completed probation, and earned confirmation in service, insistence upon undergoing probationary practical courses as a precondition for promotion loses its legal justification and becomes merely a technical formality devoid of rational nexus with the object sought to be achieved.*

— *where an employee has otherwise fulfilled eligibility conditions, his promotion or service benefits cannot be withheld merely because the department itself failed to provide or arrange a requisite course or training.*

LEGAL PRINCIPLES EXPOUNDED

A Supreme Court directive recognizing employees as members of a cadre cannot be diluted by post-facto procedural conditions never insisted upon during their long service.

Source: the respondents, therefore, cannot indirectly defeat or dilute the effect of the judgment of the Hon'ble Supreme Court by imposing conditions which were never previously insisted upon during the petitioners' long service tenure.

Authority: Civil Appeal No.928 of 2020 (Supreme Court) order dated 15.04.2024

Probationary practical training under Rule 19.25 of the Police Rules, 1934 is meant for new inductees and cannot be insisted upon as a precondition to promotion for officers long-confirmed and on List-E.

Source: Under Rule 19.25 of the Police Rules, practical training is essentially meant for probationary purposes so as to equip newly inducted officers with field experience during the initial stage of service.

Authority: Police Rules, 1934, Rules 13.10 and 19.25

Departmental inaction in arranging requisite training/courses cannot prejudice vested service rights of an employee otherwise eligible.

Source: The Supreme Court further observed that departmental inaction cannot prejudice the vested service rights of an employee. The principle flowing from the aforesaid judgment squarely applies to the present case

Authority: Gul Hasan Jatoi v. Federation of Pakistan, 2016 SCMR 1254

Selective deferment of promotion when similarly placed and even junior officers have been promoted without the precondition violates the equality guarantee under Article 25.

Source: Such selective deferment offends the mandate of Article 25 of the Constitution, which guarantees equality before law and equal protection of law. The action of the respondents thus suffers from discrimination and amounts to an arbitrary exercise of authority.

Authority: Article 25, Constitution of Pakistan, 1973

OPERATIVE ORDER

Accordingly, this petition is allowed. The impugned deferment of the petitioners for promotion to the rank of Sub-Inspector is declared illegal and set aside. The respondents are directed to consider and process the cases of the petitioners for promotion to the rank of Sub-Inspector strictly in accordance with their seniority and eligibility, with effect from the date their batch-mates of the 2004 batch were promoted, along with all consequential benefits under the law. However, a necessary course shall also be undertaken if required under the police rules and law. The necessary exercise shall be completed within a period of one month from the date of receipt of this order. All Pending application(s), if any, also stand disposed of accordingly.

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FIA BLOCKING OF ACCOUNTS AND PASSPORTS

Muhammad Saeed Khan & others v. Federation of Pakistan and Others

PETITION DISPOSED; UNBLOCK AND DISCIPLINARY INQUIRY

Const. P. 5950/2025 | 2026 SHC KHI 1144 · Bench: Mr. Justice Adnan-ul-Karim Memon; Mr. Justice Muhammad Hasan Akbar · Decided: 20-05-2026 · Uploaded: (order date — SHC portal does not expose upload date)

FACTS

The petitioners — a retired Government pensioner (petitioner No.1, Muhammad Saeed Khan Sabri, maintaining a pension account with HBL Gulistan-e-Johar, Karachi), an officer associated with M/s Kaif International (Pvt.) Limited engaged in travel, Umrah and Ziyarat services (petitioner No.2, Muhammad Shahzad Ali Khan), and a sole proprietor of 'Sabri Traders' (petitioner No.3) — complained that their CNICs, passports, bank accounts and mobile-wallet accounts had been blocked or frozen by the FIA without any show-cause notice, disclosure of allegations or opportunity of hearing. They had been acquitted by the trial court in FIR No.178/2021 (Sections 406, 420, 109 PPC, FIA AHTC Karachi) by judgment dated 08.07.2025, and on 25.08.2025 the Judicial Magistrate-I, Karachi East had directed the Director Immigration & Passport to unblock the passports of petitioners 1 and 3 if not required in any other case. The FIA admitted that Enquiry No.128/2024 under the Anti-Money Laundering Act, 2010 had been initiated and that correspondence dated 20.08.2024 had been issued under Section 25(1) of the AML Act to various banks seeking details of accounts/transactions; the FIA conceded that the enquiry was exploratory and that no substantial incriminating material had yet surfaced. NADRA reported that the CNICs were not digitally impounded in its record.

LEGAL ISSUE

Whether the FIA's blocking and freezing of the petitioners' bank accounts, mobile-wallet accounts, passports and CNICs — pursuant to an exploratory inquiry under the Anti-Money Laundering Act, 2010 communicated via Section 25(1) correspondence to banks — without any freezing order from a competent court or authority and notwithstanding the petitioners' acquittal in the predicate offence and a Magistrate's unblocking direction, was a lawful exercise of statutory power consistent with fundamental rights under Articles 4, 18, 23 and 24.

HOLDING

The Court held that despite the acquittal in FIR No.178/2021 and the Magistrate's directions of 25.08.2025, no material was placed on record showing any valid freezing order from a competent court or authority under the relevant law. While AML proceedings may be independent of the predicate offence, any coercive action affecting fundamental rights must strictly conform to law, transparency and procedural fairness. Mere pendency of an exploratory inquiry, without reasonable grounds, tangible incriminating material or lawful authorization, cannot justify indefinite interference with citizens' business, bank operations, passports and financial affairs — particularly when the respondents themselves conceded the inquiry was exploratory and no substantial incriminating material had surfaced. The correspondence dated 20.08.2024 used by banks to block accounts, without due process, amounted to arbitrary exercise offending Articles 4, 18, 23 and 24. The Court directed unblocking of all blocked facilities if no lawful restraint exists, restrained interference with the petitioners' lawful business, and directed the Director General, FIA, to examine the conduct of delinquent officers and initiate disciplinary proceedings within three months, withholding operational duties in the interim.

LEGAL SIGNIFICANCE

This is a strong statement of constitutional limits on AML investigatory power. The judgment holds that Section 25(1) correspondence by FIA AML/CFT Circle to banks cannot, in substance, operate as a freezing order; only a competent court or authority can lawfully restrain accounts under the AML Act, 2010. It crystallizes the standard that exploratory inquiries without 'reasonable grounds, tangible incriminating material, or lawful authorization' cannot indefinitely paralyse a citizen's livelihood, and articulates a remedy not only of restoration but of departmental accountability — Director General FIA must scrutinize the conduct of delinquent officers within three months, with the officers withdrawn from operational duties pending inquiry,

and an express warning that future misuse may attract Article 204 contempt proceedings.

LEGAL PROPOSITIONS (VERBATIM)

— Mere pendency of an inquiry, without reasonable grounds, tangible incriminating material, or lawful authorization, cannot justify indefinite interference with the lawful business activities, bank operations, passports, and financial affairs of citizens.

— Such actions, undertaken without due process and without communicating any lawful justification to the affected persons, amount to an arbitrary exercise of authority and offend the constitutional guarantees embodied under Articles 4, 18, 23, and 24 of the Constitution of the Islamic Republic of Pakistan, 1973.

— Powers conferred under the Anti-Money Laundering Act are to be exercised cautiously, fairly, and upon the existence of reasonable grounds supported by lawful authorization from the competent forum. Any deviation therefrom constitutes misuse of authority and abuse of process.

— The State functionaries are under a legal obligation to act strictly within the bounds of law and cannot, under the guise of inquiry, subject citizens to harassment, humiliation, and financial paralysis without lawful authority or reasonable basis.

LEGAL PRINCIPLES EXPOUNDED

AML proceedings are independent of the predicate offence, but any coercive action affecting fundamental rights must strictly conform to law, transparency and procedural fairness.

Source: Although the respondents have taken the plea that proceedings under the Anti-Money Laundering Act, 2010, are independent in nature and may continue notwithstanding acquittal in the predicate offence, yet it is equally settled that any coercive action affecting the fundamental rights of citizens must strictly conform to the mandate of law, transparency, and procedural fairness.

Authority: Anti-Money Laundering Act, 2010

An exploratory inquiry, by itself and without reasonable grounds or lawful authorization, cannot justify indefinite blocking of accounts, passports or business operations.

Source: Mere pendency of an inquiry, without reasonable grounds, tangible incriminating material, or lawful authorization, cannot justify indefinite interference with the lawful business activities, bank operations, passports, and financial affairs of citizens. More particularly, when the respondents themselves conceded that the inquiry in question was merely exploratory in nature and no substantial incriminating material had surfaced against the petitioners yet.

Authority:

Section 25(1) AML Act correspondence to banks is not a substitute for a freezing order by a competent court or authority; blocking on its basis is arbitrary and offends Articles 4, 18, 23 and 24.

Source: correspondence dated 20.08.2024 issued by FIA AML/CFT Circle Karachi under Section 25 of the AML Act was utilized by certain banks for blocking or restricting the operation of accounts of the petitioners, despite the absence of any freezing order passed by a competent Court or lawful authority. Such actions, undertaken without due process and without communicating any lawful justification to the affected persons, amount to an arbitrary exercise of authority

Authority: Section 25(1), Anti-Money Laundering Act, 2010; Articles 4, 18, 23, 24

Misuse of investigatory powers warrants departmental accountability and may attract contempt jurisdiction under Article 204.

Source: The Director General, FIA, shall ensure that no officer of FIA misuses powers or authority in excess of law, and in case any such misconduct is brought before this Court in future proceedings, appropriate action may be initiated in accordance with Article 204 of the Constitution of the Islamic Republic of Pakistan, 1973.

Authority: Article 204, Constitution of Pakistan, 1973

OPERATIVE ORDER

In the circumstances, this petition is disposed of with the directions that if the passports, bank accounts, mobile wallet accounts, or any other facilities of the petitioners have been blocked or restricted solely based on the impugned inquiry or correspondence, and no lawful restraint order of a competent Court or authority exists against the petitioners, the same shall forthwith be unblocked and restored in accordance with law. The respondents are further directed not to interfere in the lawful business activities of the petitioners except strictly in accordance with due process of law. The Director General, FIA, is further directed to examine the conduct of the all delinquent officers, particularly regarding the issuance of communications and coercive measures without lawful sanction, reasonable

grounds, or approval from the competent authority, and to initiate appropriate departmental/disciplinary proceedings, if any misuse of powers, mala fide, or unlawful harassment of citizens is found, strictly in accordance with law. The aforesaid exercise shall be undertaken within three months; those officers shall not be given operational duties. The Director General, FIA, shall ensure that no officer of FIA misuses powers or authority in excess of law, and in case any such misconduct is brought before this Court in future proceedings, appropriate action may be initiated in accordance with Article 204 of the Constitution of the Islamic Republic of Pakistan, 1973. All pending application(s) stand disposed of in the above terms.

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DANGEROUS STRUCTURE RESEALING AND DISPUTED POSSESSION

Muhammad Yaseen & others v. SBCA & Others

PETITION DISPOSED; SBCA DIRECTED TO RESEAL PREMISES

Const. P. 1079/2026 | 2026 SHC KHI 1145 · Bench: Mr. Justice Adnan-ul-Karim Memon; Mr. Justice Muhammad Hasan Akbar · Decided: 20-05-2026 · Uploaded: (order date — SHC portal does not expose upload date)

FACTS

The petitioners claimed to be lawful owners of shops at Plot No. TL-2/21, Ishwar Compounds, Butter Road, Godra Camp, Napier Road, Karachi, asserting that SBCA had sealed the entire property without prior notice and that, after representations went unanswered, they found the property resealed and occupied by unknown persons. SBCA countered that the matter pertained to an old and dangerous structure at Plot No.21, TL-2, Tehlram Quarters, declared unsafe and unfit for habitation, sealed on 07.11.2025 (the Nazir reported SBCA's confirmation of sealing on 04.07.2025), with demolition proceedings initiated; the seal was tampered with and the premises reoccupied. Respondent No.6 also claimed possession. By order dated 28.04.2026, the Nazir was appointed to inspect; he reported a severely dilapidated structure with broken portions, damaged walls, exposed beams, missing roofing and substantial debris, expired lease (2014) and Evacuee Trust Property status.

LEGAL ISSUE

Whether, in constitutional jurisdiction under Article 199, the Court could grant restoration of possession over a sealed, structurally dangerous building amidst seriously contested rival claims of ownership, tenancy and Evacuee Trust Property status, or whether public-safety considerations and the availability of alternate remedies (including the Illegal Dispossession Act, 2005, and civil adjudication) precluded such relief and instead required directions for resealing and strict enforcement of building regulations.

HOLDING

The Court held that the Nazir's report established the building to be dilapidated, partially collapsed and a danger to human life, so no person could be permitted to occupy or use the premises until the competent authority acted under building laws — public safety taking precedence over private claims. Disputed questions of title, ownership, possession and Evacuee Trust entitlement involved complicated factual controversies that could not be conclusively determined under Article 199 and required adjudication before a competent civil forum. Tampering with the official seal amounted to interference with lawful authority. Accordingly, SBCA was directed to forthwith reseal the property and proceed under law, with police action under Section 154 Cr.P.C. against any breach.

LEGAL SIGNIFICANCE

The order reinforces that constitutional jurisdiction under Article 199 will not be exercised to restore possession of a structurally unsafe building where ownership, tenancy and Evacuee Trust claims are seriously contested and require evidence — such disputes belong before the competent civil forum, with the Illegal Dispossession Act, 2005 available as an alternate remedy. It also confirms that protection of human life and enforcement of building safety regulations override competing private claims, and that tampering with an official seal placed by SBCA on a declared dangerous structure prima facie constitutes interference with

lawful authority warranting immediate preventive measures and criminal action under Section 154 Cr.P.C.

LEGAL PROPOSITIONS (VERBATIM)

— *In such circumstances, protection of human life and public safety must take precedence over all competing private claims.*

— *These disputed questions of title and possession involve complicated factual controversies requiring the recording of evidence and adjudication by a competent forum and cannot be conclusively determined in constitutional jurisdiction under Article 199 of the Constitution, particularly when rival claims are seriously contested by the parties.*

— *At the same time, the conduct relating to the removal/tampering of the official seal placed by SBCA also prima facie constitutes interference with lawful authority and cannot be permitted to continue, especially in respect of a structure already declared dangerous and uninhabitable by the competent authority.*

— *no equitable or constitutional relief regarding restoration of possession can presently be granted to any party in respect of a building which is structurally unsafe and dangerous for occupation.*

LEGAL PRINCIPLES EXPOUNDED

Public safety prevails over competing private possessory claims when the structure is declared dangerous.

Source: protection of human life and public safety must take precedence over all competing private claims

Authority:

Seriously disputed questions of title, ownership and possession cannot be conclusively determined under Article 199 and must be remitted to the competent civil forum.

Source: These disputed questions of title and possession involve complicated factual controversies requiring the recording of evidence and adjudication by a competent forum and cannot be conclusively determined in constitutional jurisdiction under Article 199 of the Constitution

Authority: Article 199 of the Constitution

Tampering with an official seal placed by the building control authority prima facie constitutes interference with lawful authority.

Source: the conduct relating to the removal/tampering of the official seal placed by SBCA also prima facie constitutes interference with lawful authority and cannot be permitted to continue

Authority:

Restoration of possession is an inappropriate constitutional remedy where the Illegal Dispossession Act, 2005 provides an adequate alternate forum.

Source: the petitioners were essentially seeking restoration of possession, for which an adequate alternate remedy is available under the Illegal Dispossession Act, 2005, thus no case for interference under Article 199 of the Constitution is made out

Authority: Illegal Dispossession Act, 2005; Article 199 of the Constitution

OPERATIVE ORDER

Consequently, SBCA is directed to forthwith reseal the subject property and ensure that no person is allowed to enter, occupy, or use the premises in any manner whatsoever. SBCA shall also proceed strictly in accordance with the law regarding demolition or any further action required in respect of the dangerous structure. In case any person attempts to break the seal, interfere with the process of law, or unlawfully occupy the premises, the concerned SHO shall take immediate action in accordance with law, including proceedings under Section 154 Cr.P.C. Without touching the merits of the case about claim and counterclaim of the parties on the subject premises, the petition, along with pending application(s), stands disposed of in the above terms.

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CANTONMENT PROPERTY TAX ARV REASSESSMENT COMPROMISE**National Insurance Co. Ltd v. Karachi Cantonment Board and Ors****PETITION DISPOSED IN TERMS OF COMPROMISE**

Const. P. 1743/2017 | 2026 SHC KHI 1147 · Bench: (Bench composition not separately named in the order — signed by two Judges) · Decided: 20-05-2026 · Uploaded: (order date — SHC portal does not expose upload date)

FACTS

National Insurance Company Limited, claiming ownership of a ground-plus-twelve-upper-floors building, challenged Karachi Cantonment Board's reassessment of Annual Rental Value (ARV). It contended that whereas ARV had previously been assessed for the entire building as a single unit, from 2013 onward each floor was assessed separately, increasing tax liability by over 350% — an assessment alleged to be arbitrary and excessive, made without permissible deductions. Coercive recovery measures were threatened and restrained pending hearing. The parties subsequently moved a joint application under Order XXIII Rule 3 CPC, relying on Karachi Cantonment Board Resolution No. CBR-16 dated 08.05.2025: ARV for 2013–2025 was reassessed and dues fixed at Rs. 179,460,418, of which Rs. 130,960,418 had been paid by cheque dated 24.12.2025, with Rs. 48,500,000 to be adjusted from amounts deposited before the Nazir in Suit No.2587 of 2016 with accrued profit.

LEGAL ISSUE

Whether the writ petition challenging Karachi Cantonment Board's floor-wise ARV reassessment under the Cantonments Act, 1924 should be disposed of in terms of a joint compromise application filed under Order XXIII Rule 3 CPC, where the parties had voluntarily resolved both the assessment basis (per Board Resolution No. CBR-16 dated 08.05.2025) and the quantum of tax liability for 2013–2025, with payment and adjustment terms agreed and no element offending law or public policy.

HOLDING

The Court held that, in view of the statements of the parties and the compromise voluntarily arrived at between competent representatives of both sides, the petition no longer survived for adjudication on merits. The compromise appeared lawful, did not offend any provision of law or public policy, and squarely fell within the ambit of Order XXIII Rule 3 CPC. Accordingly, the application under Order XXIII Rule 3 CPC was allowed and the petition disposed of in terms of the compromise, with the office directed to assign the CMA number and take necessary steps.

LEGAL SIGNIFICANCE

The order confirms that constitutional petitions challenging tax assessments under the Cantonments Act, 1924 may properly be disposed of by recording a compromise under Order XXIII Rule 3 CPC where the dispute has been amicably resolved by Board resolution — here, CBR-16 dated 08.05.2025 — and the settlement covers reassessment basis, quantum of dues and mode of satisfaction (including adjustment against amounts lying with the Nazir in collateral proceedings). It illustrates the Court's willingness to give effect to negotiated reassessment outcomes between a public-sector insurer and a Cantonment Board so long as the compromise is voluntary, lawful and not offensive to public policy.

LEGAL PROPOSITIONS (VERBATIM)

— *In view of the statements made by the parties and the compromise arrived at between them, this petition no longer survives for adjudication on merits.*

— *Since the compromise has been voluntarily entered into by competent representatives of both sides, it seems to be lawful in nature and does not offend any provision of law or public policy; the same squarely falls within the ambit of Order XXIII Rule 3 CPC.*

LEGAL PRINCIPLES EXPOUNDED

A constitutional petition does not survive for adjudication on merits where the parties have arrived at a recorded compromise on the underlying dispute.

Source: *In view of the statements made by the parties and the compromise arrived at between them, this petition no longer survives for adjudication on merits.*

Authority:

A voluntary compromise between competent representatives that does not offend any provision of law or public policy falls within Order XXIII Rule 3 CPC and may be acted upon.

Source: *Since the compromise has been voluntarily entered into by competent representatives of both sides, it seems to be lawful in nature and does not offend any provision of law or public policy; the same squarely falls within the ambit of Order XXIII Rule 3 CPC.*

Authority: *Order XXIII Rule 3 CPC*

OPERATIVE ORDER

Accordingly, the application under Order XXIII Rule 3 CPC is allowed, and the petition is disposed of in terms of the compromise arrived at between the parties. The office is directed to assign the CMA number and take necessary steps accordingly.

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STATE LAND ALLOTMENT TO HOUSING SOCIETY

Karachi High Court Employees Cooperative Housing Society Limited & Another v. Province of Sindh & Others

PETITION DISPOSED; MATTER REFERRED TO COMPETENT AUTHORITY

Const. P. 5533/2022 | 2026 SHC KHI 1149 · Bench: Mr. Justice Adnan-ul-Karim Memon; Mr. Justice Muhammad Hasan (Akber) · Decided: 20-05-2026 · Uploaded: (order date — SHC portal does not expose upload date)

FACTS

The Karachi High Court Employees Cooperative Housing Society, representing employees of the Sindh High Court, sought a writ of mandamus for allotment of additional state land measuring 200 acres, or 100 acres, near its existing Scheme No.33 housing scheme in Karachi or adjoining New DHA, Karachi. The Society contended that its original allotment of 35 acres had been fully utilized and that expansion in membership left a substantial number of employees unhoused. It relied on governmental assurances and correspondence between 2006 and 2013 and on observations in CP No.D-746/2020 dated 28.05.2022 equating Karachi High Court employees with similarly placed Hyderabad employees, invoking Articles 17, 18, 23, 24 and 25 of the Constitution. The respondents (Senior Member, Board of Revenue) cited a complete ban on allotments, transfers, mutations and conversions of state land following the Supreme Court judgment dated 28.11.2012 in *Suo Motu Case No.16/2011* and a SHC judgment dated 21.10.2024, and ongoing reconstruction of revenue records.

LEGAL ISSUE

Whether, in light of the Supreme Court's order dated 28.11.2012 in *Suo Motu Case No.16 of 2011* imposing strict controls on state-land allotments and the ongoing reconstruction of revenue records in Sindh, the High Court could direct allotment of additional state land to the Karachi High Court Employees Cooperative Housing Society by analogy with the Hyderabad High Court Bar Association case, or whether the matter should be remitted to the competent executive authority with a requirement of a clear, reasoned and speaking order if allotment was found barred.

HOLDING

The Court held that the interpretation, scope and effect of the Supreme Court's order dated 28.11.2012 lay within the domain of the Apex Court, so the High Court would refrain from issuing any direction contrary thereto. Recognising that the Supreme Court had emphasised strict control, transparency and reconstruction of revenue records to prevent misuse of state land, but noting that similar matters had previously been addressed in the Hyderabad High Court Bar Association case, the Court — with the consent of both parties and without touching the merits — disposed of the petition by referring the matter to the competent authority.

The petitioner society was directed to apply within two weeks to the Senior Member, Board of Revenue, Sindh and the Land Utilization Department, who shall jointly examine the matter and, if appropriate, place it before the Chief Minister; in case allotment was barred, a clear, reasoned and speaking order indicating the precise legal impediment and reasons for differential treatment must be passed.

LEGAL SIGNIFICANCE

The order clarifies the institutional posture of the High Court vis-à-vis the Supreme Court's continuing supervision of state-land allotments under *Suo Motu Case No.16 of 2011*: the interpretation, scope and effect of the 28.11.2012 order belong to the Apex Court, and the High Court will not issue directions contrary thereto. Where comparable claims have been entertained earlier — here, the Hyderabad High Court Bar Association precedent — a constitutional petition may, by consent, be remitted to the executive (Senior Member, Board of Revenue and Land Utilization Department) for joint examination, with a duty to pass a clear, reasoned and speaking order articulating the legal impediment and any reasons for differential treatment vis-à-vis similarly placed cases, thereby safeguarding the duty of reasons even in policy-restricted areas.

LEGAL PROPOSITIONS (VERBATIM)

— *At the same time, this Court is mindful of the fact that the interpretation, scope, and effect of the order dated 28.11.2012 passed by the Hon'ble Supreme Court fall within the domain of the Hon'ble Apex Court, and this Court would refrain from issuing any direction contrary thereto.*

— *The Supreme Court has emphasized strict control, transparency, and reconstruction of revenue records, restraining unauthorized or premature allotments to safeguard public interest and prevent misuse of state land.*

— *In case allotment is considered barred under the order dated 28.11.2012 and subsequent orders of the Hon'ble Supreme Court in *Suo Motu Case No.16 of 2011*, a clear, reasoned, and speaking order shall be passed indicating the precise legal impediment, scope of restriction, and reasons for any differential treatment vis-à-vis similarly placed cases.*

LEGAL PRINCIPLES EXPOUNDED

The High Court will not issue directions inconsistent with the Supreme Court's continuing supervision of state-land allotments under *Suo Motu Case No.16 of 2011*.

Source: the interpretation, scope, and effect of the order dated 28.11.2012 passed by the Hon'ble Supreme Court fall within the domain of the Hon'ble Apex Court, and this Court would refrain from issuing any direction contrary thereto

*Authority: Supreme Court order dated 28.11.2012 in *Suo Motu Case No.16 of 2011**

Strict control, transparency and reconstruction of revenue records justify restraint on unauthorised or premature allotments of state land.

Source: The Supreme Court has emphasized strict control, transparency, and reconstruction of revenue records, restraining unauthorized or premature allotments to safeguard public interest and prevent misuse of state land.

*Authority: Supreme Court order dated 28.11.2012 in *Suo Motu Case No.16 of 2011**

Even within policy-imposed restraints, the executive must record a reasoned, speaking order articulating the legal impediment and any differential treatment.

Source: a clear, reasoned, and speaking order shall be passed indicating the precise legal impediment, scope of restriction, and reasons for any differential treatment vis-à-vis similarly placed cases

Authority:

Comparable past treatment of similarly placed groups is a relevant consideration in remitting state-land allotment claims to the competent authority.

Source: similar matters had previously been addressed by the Supreme Court in the Hyderabad High Court Bar Association case, where a similar course was adopted

Authority: Hyderabad High Court Bar Association case

OPERATIVE ORDER

Accordingly, the petition is disposed of with the understanding that the petitioner-society may submit a proper application to the Senior Member, Board of Revenue, Sindh, and the Land Utilization Department, within two weeks, who shall examine the matter jointly in accordance with law and, if deemed appropriate, place it before the Worthy

Chief Minister, Sindh, for decision, if any, within a reasonable time. In case allotment is considered barred under the order dated 28.11.2012 and subsequent orders of the Hon'ble Supreme Court in Suo Motu Case No.16 of 2011, a clear, reasoned, and speaking order shall be passed indicating the precise legal impediment, scope of restriction, and reasons for any differential treatment vis-à-vis similarly placed cases. All pending applications were also disposed of in the same terms.

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WIDOW PENSION ENTITLEMENT AMID RIVAL HEIR CLAIMS

Mst. Shamim v. Government of Sindh and Others

INTERVENER APPLICATIONS DISMISSED; PENSION TO BE RELEASED

Const. P. 2655/2022 | 2026 SHC KHI 1154 · Bench: Mr. Justice Adnan-ul-Karim Memon; Mr. Justice Muhammad Hasan Akbar · Decided: 20-05-2026 · Uploaded: (order date — SHC portal does not expose upload date)

FACTS

The petitioner sought release of widow pension and allied benefits withheld after the death of her husband, Abdul Khaliq (Ex-Director BS-19, Human Settlement Authority/Katchi Abadi Authority) on 24.03.2010 (the departmental report records the death as 24.10.2010); the petition had originally been disposed of on 15.09.2022 directing processing on filing of an affidavit. The intervener — the deceased's brother — moved for impleadment and recall under Section 12(2) CPC, alleging fraud and misrepresentation and contending the deceased died unmarried; he sought deposit of the benefits with the Nazir pending Civil Suit No.501/2019. The petitioner relied on a Nikahnama (marriage dated 28.07.2006), CNIC and Family Registration Certificate, asserting the intervener's SMA was unnumbered. The departmental report disclosed no spousal nomination, rival claims by siblings and the petitioner, deposit of Rs. 2,095,794 with the Nazir on 10.02.2026, and refusal to release arrears absent judicial determination.

LEGAL ISSUE

Whether, in the face of an intervener's allegations of fraud and a pending civil suit (No.501/2019) over the estate, the petitioner's documented marital status as evidenced by an unchallenged Nikahnama, CNIC and Family Registration Certificate sufficed to sustain her entitlement to the widow's pension and allied benefits and to defeat impleadment and a Section 12(2) CPC recall application; and whether widow's pension forms part of the deceased's estate or is exclusively payable to the widow under applicable rules.

HOLDING

The Court held that the petitioner's claim rested on a duly registered Nikahnama, CNIC and Family Registration Certificate which remained unchallenged and had not been cancelled, declared fake or set aside by any competent court; the intervener had not initiated declaratory proceedings and his SMA remained unnumbered without any restraining order. The mere pendency of civil litigation or rival claims, without judicial determination discrediting the petitioner's status, was insufficient to dislodge prima facie documentary entitlement. Until the petitioner's marital status was set aside or her documents declared invalid, the presumption of validity attached to the official record. Accordingly, the intervener's impleadment and Section 12(2) CPC applications were dismissed and the widow's pension and service benefits ordered released through the Nazir against an undertaking/bond for refund in case of contrary final determination.

LEGAL SIGNIFICANCE

The order reinforces that, for the limited purpose of releasing widow's pension and allied service benefits, an unchallenged Nikahnama, CNIC and Family Registration Certificate carry a presumption of validity that cannot be displaced by mere allegations of fraud or by the pendency of collateral civil litigation in which no judicial determination has been made and no restraining order obtained. It confirms that a Section 12(2) CPC application to recall an order in a disposed-of writ petition cannot succeed on unsubstantiated allegations against documented marital status, and that widow's pension is treated as exclusively payable to the widow rather than as part of the estate. The Court's protective device of releasing benefits against an

undertaking/bond through the Nazir balances the equities pending eventual estate adjudication.

LEGAL PROPOSITIONS (VERBATIM)

- *The mere pendency of civil litigation or assertion of rival claim, without any judicial determination discrediting the petitioner's status, is not sufficient to dislodge prima facie documentary entitlement.*
- *until the petitioner's marital status is set aside by a competent court or the documents relied upon are declared invalid, the presumption of validity attaches to the official record produced by her.*
- *for the limited purpose of release of service benefits, the petitioner's entitlement as a widow cannot be disregarded based on unsubstantiated allegations alone.*
- *a widow's pension is exclusively payable to the widow and does not form part of the estate of the deceased.*

LEGAL PRINCIPLES EXPOUNDED

Documentary marital status (Nikahnama, CNIC, FRC) carries a presumption of validity until set aside by a competent court.

Source: until the petitioner's marital status is set aside by a competent court or the documents relied upon are declared invalid, the presumption of validity attaches to the official record produced by her

Authority:

Mere pendency of civil litigation or rival claims cannot dislodge prima facie documentary entitlement without judicial determination discrediting that status.

Source: The mere pendency of civil litigation or assertion of rival claim, without any judicial determination discrediting the petitioner's status, is not sufficient to dislodge prima facie documentary entitlement.

Authority:

A Section 12(2) CPC recall founded on unsubstantiated fraud allegations against documented marital status will fail.

Source: for the limited purpose of release of service benefits, the petitioner's entitlement as a widow cannot be disregarded based on unsubstantiated allegations alone

Authority: Section 12(2) CPC

Widow's pension is treated as exclusively payable to the widow and not as part of the deceased's estate.

Source: a widow's pension is exclusively payable to the widow and does not form part of the estate of the deceased

Authority:

Pending final estate adjudication, equities may be balanced by releasing benefits through the Nazir against an undertaking/bond for refund.

Source: the Nazir shall obtain an undertaking/bond from the petitioner to the effect that in case of any contrary final determination by a competent court in appropriate proceedings, she shall refund the amount so received

Authority:

OPERATIVE ORDER

Accordingly, the applications filed by the intervener seeking impleadment, recall of the main order under Section 12(2), C.P.C., are dismissed for being devoid of merit. The petitioner's entitlement to a widow's pension and service shall be released upon proper verification and identification by the Nazir and the respondent department. However, the Nazir shall obtain an undertaking/bond from the petitioner to the effect that in case of any contrary final determination by a competent court in appropriate proceedings, she shall refund the amount so received.

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UNPAID SALARIES OF MUNICIPAL EMPLOYEES**Shabbir Ahmed & others v. Province of Sindh and Others****PETITION DISPOSED; VERIFICATION COMMITTEE CONSTITUTED**

Const. P. 4191/2025 | 2026 SHC KHI 1155 · Bench: Mr. Justice Adnan-ul-Karim Memon; Mr. Justice Muhammad Hasan Akbar · Decided: 20-05-2026 · Uploaded: (order date — SHC portal does not expose upload date)

FACTS

The petitioners, regular employees of TMC Thatta serving as Beldars and Sanitary Workers (BPS-01/02) since 2009, sought directions for release of unpaid salaries from July 2018 and protection against unlawful action. They asserted that, having been issued service books and paid through bank accounts, their salaries were stopped without any lawful order of suspension, termination or disciplinary proceedings, with delays initially attributed to shortage of funds. Respondent No.2 contended that the petitioners had been verbally converted into daily wage employees and that, pursuant to a Water Commission decision and Local Government Department letters dated 16.08.2018 and 20.11.2018, contingent staff could not be paid from the OZT grant. The Chairman, Municipal Committee Thatta (Ada Muhammad Memon), produced the original service record before the Court and admitted that the petitioners were regular employees whose salaries had been stopped in 2018; the learned AAG sought verification by the Secretary, Local Government.

LEGAL ISSUE

Whether the discontinuation of salaries of admittedly regular and regularized employees of TMC Thatta (Beldars and Sanitary Workers, BPS-01/02) from July 2018 — effected by purported "verbal" conversion into daily wage employment and oral information of discontinuation, without any formal order of termination, conversion, suspension or disciplinary proceedings, and despite continued performance of duties — was lawful, and what directions were required for verification of service profiles and release of unpaid salaries and consequential benefits.

HOLDING

The Court held that the petitioners' status as regular and regularized employees, with original service records produced before the Court, was admitted, and that respondents had also admitted regular payment up to July 2018. The plea of "verbal" conversion into daily wage employees and oral discontinuation carried no legal value, as no formal order of termination, conversion, suspension or disciplinary proceedings had ever been issued. Service rights of civil/public servants cannot be altered or taken away through verbal directions; salaries of employees who continue to perform duties cannot be withheld arbitrarily; and vested service rights cannot be defeated without lawful authority and due process. The Court accordingly disposed of the petition directing the Secretary, Local Government Department, Sindh, to constitute a committee headed by himself with the Chairman, Municipal Committee Thatta, to verify the petitioners' service profiles and, if genuine, release unpaid salaries with consequential benefits by a speaking order within two months, with Article 204 consequences for non-compliance.

LEGAL SIGNIFICANCE

The order strongly reaffirms that service rights of civil and public servants are not capable of being altered or taken away by verbal directions: any conversion, suspension, termination or disciplinary action must be effected by a formal, written order following due process. Where employees continue to discharge duties and remain on official service records, salaries cannot be withheld arbitrarily — even on the asserted ground that contingent staff cannot be paid from the OZT grant. The order also operationalises constitutional supervision over local government employment by directing the constitution of a verification committee headed by the Secretary, Local Government Department, with a speaking order within a fixed period and contempt-style enforcement under Article 204 of the Constitution.

LEGAL PROPOSITIONS (VERBATIM)

— *It is a settled principle of law that the service rights of civil/public servants cannot be altered or taken away through verbal directions, and no adverse action can be taken against an employee except strictly in*

accordance with law and after observance of due process.

— Salaries of employees who continue to perform duties cannot be withheld arbitrarily, particularly where their appointments and service records exist on official records.

— The Supreme Court held that vested service rights cannot be defeated without lawful authority and due process.

— The plea of the respondents that the petitioners were "verbally" converted into daily wage employees and orally informed regarding discontinuation of their services carries no legal value, as no formal order of termination, conversion, suspension, or disciplinary proceedings was ever issued against the petitioners.

LEGAL PRINCIPLES EXPOUNDED

Service rights of civil/public servants cannot be altered or taken away through verbal directions.

Source: *the service rights of civil/public servants cannot be altered or taken away through verbal directions, and no adverse action can be taken against an employee except strictly in accordance with law and after observance of due process*

Authority:

Salaries of employees who continue to perform duties cannot be withheld arbitrarily where appointments and service records exist on official record.

Source: *Salaries of employees who continue to perform duties cannot be withheld arbitrarily, particularly where their appointments and service records exist on official records.*

Authority:

Vested service rights cannot be defeated without lawful authority and due process.

Source: *The Supreme Court held that vested service rights cannot be defeated without lawful authority and due process.*

Authority: *Supreme Court of Pakistan*

An asserted "verbal" conversion from regular to daily wage employment, unsupported by a formal order, has no legal value.

Source: *The plea of the respondents that the petitioners were "verbally" converted into daily wage employees and orally informed regarding discontinuation of their services carries no legal value, as no formal order of termination, conversion, suspension, or disciplinary proceedings was ever issued against the petitioners.*

Authority:

OPERATIVE ORDER

Since the respondents themselves have acknowledged the existence of service records of the petitioners and the learned AAG has fairly opined that the matter requires verification by the competent authority, this petition is disposed of with the direction that the Secretary, Local Government Department, Government of Sindh, shall constitute a committee headed by himself and comprising the Chairman, Municipal Committee Thatta, along with such other officer(s) as may be nominated by him, for scrutinizing and verifying the service profiles, appointment records, and entitlement of the petitioners. Upon such examination, if the appointments and service claims of the petitioners are found genuine and lawful, their unpaid salaries, along with all consequential service benefits, shall be released strictly in accordance with law. The entire exercise shall be completed through a speaking order within a period of two months from the date of receipt of this order. Accordingly, without touching the merits of the case, this petition, along with pending application(s), stands disposed of in the above terms. Let a copy of this order be communicated to the Secretary, Local Government Department, Government of Sindh, and Chairman, Municipal Committee Thatta for compliance in time. In case of failure, appropriate action shall be taken in terms of Article 204 of the Constitution.

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