

**SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**Present:**

Justice Muhammad Ali Mazhar  
Justice Irfan Saadat Khan  
Justice Shahid Bilal Hassan

**Civil Petitions No. 52, 509, 3445 of 2022, 3526/2023, 2504/2024, 4053/2025, 4231 to 4234/2025, 2813, 5462, 5463/2025, 448/2026, 434/2026, 436/2026, 435, 481, 480, 479, 519/2026 and CMAs No. 754, 841,766,762,758, 816/2026.** Against the judgments dated 17.11.2021, 28.06.2022, 26.06.2023, 01.04.2024, 05.05.2024, 23.06.2025, 24.04.2025, 23.09.2025 and 05.11.2025 passed by the Federal Service Tribunal, Islamabad in Appeals No. Nos.1710(R)CS/2019, 1341(R)CS/2021, 1153(R)CS/2021, 288(R)CS/2023, 139(R)CS/2023, 890(R)CS/2021, 891(R)CS/2021, 892(R)CS/2021, 893(R)CS/2021, 2043 (R)CS/2019, 228(R)CS/2025, 229(R)CS/2025, 43(R)CS/2025, 44(R)CS/2025, 45(R)CS/2025, 57(R)CS/2025, 144(R)CS/2025, 143(R)CS/2025, 142(R)CS/2025 and 145 (R)CS/2025 respectively

Government of Pakistan through it Secretary  
Establishment Division, Islamabad  
(in CPLA 52/2022)

Secretary Ministry of Finance Division,  
Government of Pakistan, Islamabad  
(in CPLA 509/2022)

The Secretary, Finance Division, Government of  
Pakistan Islamabad  
(in CPLA 3445/2022)

Federal Public Service Commission through its  
Secretary, FPSC, Headquarters, Islamabad  
(in CPLA 3526/2023)

Secretary, Finance Division, Government of  
Pakistan, Islamabad  
(in CPLA 2504/2024)

The Secretary M/o. Interior, Government of  
Pakistan, Islamabad  
(in CPLA 4053/2025)

Federal Public Service Commission thr. its  
Secretary, Islamabad  
(in CPLA 4231/2025)

Federal Public Service Commission thr. its  
Secretary, FPSC, Islamabad  
(in CPLA 4232/2025)

Federal Public Service Commission thr. its  
Secretary, FPSC, Islamabad  
(in CPLA 4233/2025)

Federal Public Service Commission thr. its  
Secretary, FPSC, Islamabad  
(in CPLA 4234/2025)

Secretary Ministry of Maritime Affairs, Islamabad  
The Secretary Finance Division, Government of  
Pakistan, Islamabad and others  
(in CPLA 2813/2025)

The Secretary Finance Division, Government of  
Pakistan, Islamabad and others  
(in CPLA 5462/2025)

Secretary, Establishment Division, Government of  
Pakistan, Islamabad  
(in CPLA 5463/2025)

Secretary, Establishment Division, Government of  
Pakistan, Islamabad  
(in CPLA 448/2026)

Secretary, Establishment Division, Government of  
Pakistan, Islamabad  
(in CPLA 434/2026)

Secretary, Establishment Division, Government of  
Pakistan, Islamabad  
(in CPLA 436/2026)

Secretary, Establishment Division, Government of  
Pakistan, Islamabad  
(in CPLA 435/2026)

Secretary, Establishment Division, Government of  
Pakistan, Islamabad  
(in CPLA 481/2026)

Prime Minister's Office (Public), Islamabad through  
its Secretary  
(in CPLA 480/2026)

Prime Minister's Office (Public), Islamabad through  
its Secretary  
(in CPLA 479/2022)

Prime Minister's Office (Public), Islamabad through  
its Secretary  
(in CPLA 519/2026)

...Petitioner(s)

Versus

Muhammad Iqbal & another  
(in CPLA 52/2022)

Muhammad Iqbal and another  
(in CPLA 509/2022)

Syed Tauqeer Hussain Shah and others  
(in CPLA 3445/2022)

Javed Iqbal and others  
(in CPLA 3526/2023)

Zahid Hussain and others  
(in CPLA 2504/2024)

Hasanat Ahmed Shah and others  
(in CPLA 4053/2025)

Riaz Ahmed and others  
(in CPLA 4231/2025)

M. Asif and others  
(in CPLA 4232/2025)

Muhammad Mukhtar and others  
(in CPLA 4233/2025)

Muhammad Azeem and others  
(in CPLA 4234/2025)

Muhammad Farhan Fiaz and others  
(in CPLA 2813/2025)

Samad Faheem  
(in CPLA 5462/2025)

Muhammad Shafiq  
(in CPLA 5463/2025)

Ghulam Farooq and another  
(in CPLA 448/2026 & CMA 754/2026)

Muhammad Tariq Mehmood and another  
(in CPLA 434/2026)

Basharat Hussain Paras and another  
(in CPLA 4236/2026)

Ghulam Abbas and another  
(in CPLA 435/2026 & CMA 841/2026)

Abdul Jabbar and others  
(in CPLA 481/2026 & CMA 766/2026)

Gul Afshan and others  
(in CPLA 480/2026 & CMA 762/2026)

Abdul Latif and another  
(in CPLA 479/2026 & CMA 758/2026)

Muhammad Munir Anjum and others  
(in CPLA 519/2026 & CMA 816/2026)

...Respondent(s)

For the Petitioner(s): Barrister Umar Aslam, Addl: Attorney  
General for Pakistan (in all cases) a/w  
Riaz Hussain Azam, AOR  
Mr. Khalid Ch. D.S. M/o Finance  
Mr. Haroon Rashid, Director, FPSC  
Mr. Iftikhar Ahmad, S.O.  
Mr. Muhammad Jahangir, S.O. Estab.  
Mr. Imran Asghar, S.O. M/o Interior  
Mr. Hameed Ullah Khattak, S.O. M/o  
Maritimes Affairs

For the Respondent(s): Mr. Afnan Karim Kundi, ASC

(in CPLA 2504/2024)

Mr. Zubair Hussain, ASC (in CPLAs 434-436/2026, 448/2026, 479-481/2026 & 519/2026)

Hafiz Noor Muhammad, ASC  
(in CPLAs 52/2022, 509/2022, 3445/2022, 3526/2023 and 4053/2025)

Mr. Sohail Mehmood, ASC  
(in CPLAs 4231-4234/2025)

Syed Ayaz, In person  
(in CPLA 2504/2024)

M. Shafiq, In person  
(in CPLA 5463/2025)

Ghulam Farooq, In person  
(in CPLA 448/2026)

M. Tariq Mehmood, In person  
(in CPLA 434/2026)

Basharat Hussain, In person  
(in CPLA 436/2026)

Hasnat Ahmed,

Riaz Ahmed,

M. Asif

M. Munir Anjum (in CPLA 519/2026)

Date of Hearing: 15.09.2026

### **Judgment**

**Muhammad Ali Mazhar, J.-** These Civil Petitions for leave to appeal are directed against the judgments passed by the Federal Service Tribunal, Islamabad ('**Tribunal**') in Service Appeals Nos.1710(R)CS/2019, 1341(R)CS/2021, 1153(R)CS/2021, 288(R)CS/2023, 139(R)CS/2023, 890(R)CS/2021, 891(R)CS/2021, 892(R)CS/2021, 893(R)CS/2021, 2043 (R)CS/2019, 228(R)CS/2025, 229(R)CS/2025, 43(R)CS/2025, 44(R)CS/2025, 45(R)CS/2025, 57(R)CS/2025, 144(R)CS/2025, 143(R)CS/2025, 145(R)CS/2025 and 142(R)CS/2025. The bone of contention germane to the grant of time scale which was denied by the respective departments.

2. As per the record, out of 23 CPLAs, CPLA No.4035/25 is barred by 17 days; CPLA No.448/26 is barred by 18 days; CPLA No.434/26 is barred by 14 days; CPLA No.436/26 is barred by 18 days; CPLA

No.435/26 is barred by 14 days; CPLA Nos.481, 480, 479 and 519/26 are barred by 39 days. However, the rest of CPLAs are within time. As common question of law is involved in these cases, therefore, to meet the ends of justice, the applications for condonation of delay are allowed and all Civil Petitions were taken up and heard together.

3. Barrister Umar Aslam, Additional Attorney General for Pakistan, argued that the controversy between the parties revolves around the effect and applicability of four Office Memorandums ('**O.M(s)**'). The first O.M is relating to the time scale, laying down the criteria that was notified on 23.12.2011, which was further modified vide O.M dated 18.8.2015. After some time one more O. M. was issued on 31.03.2021 in which the criteria of length of service for claiming time scale was further modified. However, vide O.M dated 09.05.2025, the O.M dated 18.08.2015 was withdrawn. Though the learned Tribunal passed the order for granting time scale but being aggrieved, the aforesaid civil petitions are brought with the plea that the learned Tribunal has no jurisdiction to grant time scale which is not the part of terms and conditions of service and according to him, the remedy does not lie under Section 4 of the Service Tribunals Act, 1973.

4. Mr. Afnan Karim Kundi, learned counsel for the respondent in one of the cases, argued that, in fact, while claiming the time scale in terms of O.M issued in the year 2011 and O.M. issued in the year 2015, his client was absolutely eligible for the time scale and had also completed the required length of service much before the withdrawal of 2015 O.M vide O.M dated 09.05.2025.

5. Mr. Zubair Hussain, learned counsel appearing for some of the respondents, argued that his clients had also completed the requisite length of service before the issuance of the O.M. dated 31.03.2021, therefore, they were also entitled to the time scale in terms of the O.M.(s) dated 23.12.2011 and 18.05.2015.

6. Hafiz Noor Muhammad, learned counsel appearing for the respondents, adopted the arguments of Mr. Zubair Hussain Advocate.

7. Mr. Sohail Mehmood, learned counsel for the respondents argued that the right accrued to his clients in terms of the O.M. dated 23.12.2011 could not be recalled or altered by means of the subsequent O.M. dated 31.03.2021. He further argued that the O.M. dated 31.03.2021 could not be given retrospective effect.

8. After hearing the arguments of the learned counsel for the parties, we are of the view that once a beneficial O.M. is issued by the competent authority, then at the same time, it is their responsibility to implement such O.M. in letter and spirit and without providing any cause of complaint to the employees. The benefits mentioned in the O.M(s) should have been allowed to all the eligible employees across the board but subject to the fulfilment of the conditions and the criteria laid down for extending any such benefit by means of aforesaid O.M(s). The next important question which needs our consideration is whether the cases of the respondents were individually examined by the departments to verify whether the length of service rendered by the employees for claiming the time scale by dint of aforesaid O.M(s) were completed or not? According to the bare bones, the controversy cropped up due to the withdrawal of the O.M. dated 18.08.2015 on 09.05.2025, whether it applies prospectively or retrospectively. It is a well-settled proposition of law that notification/O.M revising the benchmarks for the grant of time scale promotion cannot be applied retrospectively but it will be effective from the date of its notification. The respondents also raised the plea that their eligibility was to be determined and examined in view of the O.M. issued earlier than the withdrawal of the O.M dated 18.08.2015 by way of O.M. dated 09.05.2025.

9. It is well settled exposition of law that an executive notification or subordinate legislation operates prospectively and cannot have

retrospective effect. The O.M(s) curtailing the vested rights or accrued benefits cannot operate backward but it should be operated prospectively. The primary reason to reject retroactive effect is to protect vested rights if accrued to the respondents during the currency of prevailing O.M(s) and variation in the canons cannot upset the rights if legally built up before the modification or changing the yardsticks.

10. The cardinal rule of statutory interpretation is that an executive order or notification cannot take away vested, accrued, or substantive rights that individuals already possessed before the notification was issued. The substantive rights and liabilities are shaped up and mature under the law applicable at that particular and identifiable time which cannot be altered with retrospective effect under the doctrine of certainty and predictability. When public authorities/departments create a legitimate expectation through consistent past practice or policy then it must not be transmuted snappishly without lawful justification or exigency or to punish or penalize individuals for actions that were perfectly lawful when they performed them.

11. After arguing the case at some length, all the learned counsel, in order to resolve the controversy, reached to some amicable modalities for disposing of the aforesaid civil petitions as under:

- i. The learned Additional Attorney General articulated that though he does not concede the jurisdiction of the Tribunal which will remain open for arguments in some other cases, however, he agrees that in view of all O.M(s) mentioned above, the concerned departments will reconsider and reexamine the cases of all the respondents individually to ascertain and decide whether they satisfy and fulfill the criteria laid down in the O.M(s) including the length of service for the grant of time scale promotion and if they fulfill the criteria, the time scale promotion will be granted to them accordingly.
- ii. It is further agreed that the aforesaid O.M(s) shall not be construed to have any retrospective effect including the O.Ms dated 31.03.2021 and 09.05.2025.

- iii. The learned Additional Attorney General, as well as the officers present in Court, have assured that within a period of three months, the entire exercise shall be completed and speaking orders will be communicated to the respondents individually.

12. At this juncture some of the respondents argued that though they have been granted time scales in due course of time but the department is recovering the amount from them. Till the entire exercise is completed as laid down in paragraph No.11 of this judgment, no recovery shall be effected by the departments from the respondents.

13. All the Civil Petitions for leave to appeal are converted into appeals and partly allowed in the above terms along with pending applications.

Judge

Judge

Judge

Islamabad

15.09.2026

Arshed

Approved for reporting