

IN THE FEDERAL CONSTITUTIONAL COURT OF PAKISTAN
(Appellate/Advisory/Original/Review Jurisdiction)

PRESENT:

Justice Ali Baqar Najafi
Justice Syed Arshad Hussain Shah

F.C.P.L.A No.464 of 2026

[against the impugned order dated
23.10.2025, passed by the Lahore High Court,
Lahore in Writ Petition No.242058 of 2018]

University of Punjab & others

.....Petitioner(s)

Versus

Gulfam Nasir & another

.....Respondent(s)

For the Petitioners(s) : Mr. Saad Rasool, ASC
Syed Rifaqat Hussain Shah, AOR

For the Respondents : Mr. Jaffar Hussain, ASC

Date of Hearing : 09.10.2026

JUDGMENT

ALI BAQAR NAJAFI, J.- Through this petition under Article 175(F)(1)(C) of the Constitution of the Islamic Republic of Pakistan, 1973, the impugned order dated 23.10.2025 passed by the High Court in Writ Petition No.242058 of 2018, is challenged, whereby, the petitioner **[University of Punjab]** was directed to forthwith release the back benefits between 25.06.2004 to 14.05.2010 following the reinstatement of the respondent.

2. **Briefly**, the facts giving rise to the filing of this petition are that Gulfam Nasir **[respondent]** a Stenographer, was departmentally proceeded and was removed from service on 25.06.2004 on account of some grounds. But consequent to the decision dated 16.04.2010 passed by the Punjab Service Tribunal,

Lahore, the respondent was reinstated into service, but the petitioner/ authority was allowed to hold a regular inquiry. On 10.06.2010, the petitioner/University reinstated the respondent No.1 into service from the date of his dismissal with the condition that he would not claim any back benefits for the intervening period, and that is the reason why it was treated as leave without pay. The respondent gave a joining report on 17.06.2010. However, a *de-novo* inquiry was initiated by Prof. Dr. Bashir Ahmad Pharmacy Department, but he was exonerated from his charges on 24.11.2010. The respondent filed an application to claim back benefits which was declined on 16.11.2016, against which an appeal was filed before the Vice Chancellor who too dismissed it on 13.01.2017. The Syndicate also dismissed it on 27.02.2017. The petitioner then filed Writ Petition No.9691 of 2017, which was allowed on 03.04.2017 and the case was remanded to the Vice Chancellor, University of the Punjab, whereafter, the Vice Chancellor dismissed the plea of the respondent No.1 on 04.12.2017, which order was not challenged. However, another application was filed by the respondent for the same relief, which was dismissed on 25.06.2018, by reiterating the same stance as was taken in the order dated 04.12.2017. The respondent then filed the Writ Petition No.242058 of 2018, in which, the impugned order dated 23.10.2025, was passed, whereby the petitioner was directed to release the back benefits forthwith, hence this petition.

3. **After hearing** the learned counsel for the partis and perusing the file, it is straightaway observed that the main plea of the petitioner is that **firstly**, after the conditional reinstatement of the respondent, he could not possibly claim the back benefits and **secondly**, after submitting the joining report without raising any objection, he could not claim the back benefits after a period of more than 5 years in the year 2016.

4. As far as the first plea is concerned, it is suffice to note that conditional reinstatement was not be followed by a *denovo* Inquiry but was done by a Professor on the allegations already leveled against the respondent in which he was exonerated, therefore, the

condition imposed by the petitioner/University was waived by itself.

5. As far as the second ground is concerned, it is notable that the respondent waited for a proper time during which the University could have realized that in the event of reinstatement and without awarding even a minor penalty, and in the absence of any proof that during this intervening period, the respondent had earned something, he was to be awarded back benefits.

6. The respondent, after filing an application, had approached High Court which passed an order directing the petitioner/University to take up the matter afresh and decide it but the application was rejected by the University, meaning thereby that the delay, if any, had been impliedly condoned by the High Court.

7. The order rejecting the request of the respondent was assailed before the High Court, in which it was concluded that the reinstatement of the respondent would be construed as if he was never dismissed from service and that since there was no record available to show that during the intervening period he had been earning some money. Obviously, an intimation application for a licence as an advocate would not be sufficient to even presume that he had practiced and was earning some livelihood. The view expressed by the High Court was, in fact, in the line with Muhammad Sharif case¹.

11. As far as the question of *laches* is concerned, it may be observed that in the present case claiming back benefits is a recurring cause of action, particularly when the condition for reinstatement into service was itself waived off by the petitioner/University by holding an unsuccessful *denovo* Inquiry.

12. We have also observed that this petition is barred by 47 days and in the application for condonation of delay, the reason *inter alia*, was stated that the Public Sector University requires some procedural formality to be observed prior to filing of a petition and that after supplying the certified copies on 13.11.2025, the petition was filed. However, it is sufficient to observe that even if the date of

¹ Muhammad Sharif and others Versus Inspector General of Police, Punjab, Lahore and others [2021 PLC (C.S.) 762]

filing of the petition is calculated from the issuance of certified copies, even then this petition is time-barred. Needless to mention that the law of limitation is the same for an individual or a public sector institution, as the law does not distinguish between the two different types of litigants.

13. In this view of the matter, the leave is refused and this petition is dismissed on merits as well as being barred by limitation.

JUDGE

JUDGE

Islamabad, the
09th of October, 2026
'Not Approved for Reporting'
Adeel