

THE FEDERAL CONSTITUTIONAL COURT OF PAKISTAN

Before Judge in Chambers:

Justice Syed Hasan Azhar Rizvi

Civil Misc. Appeal No.36/2026

*(against the order dated 06.08.2026
of the Registrar, returning the
constitution petition of the appellant
as being not entertainable under the
Rules)*

Dr. Saghir Alam & others

.....Appellant(s)

Versus

Registrar, Federal Constitutional Court, Islamabad.

.....Respondent(s)

For the Appellant(s) : Mr. Muhammad Bashir Khan, ASC

For the Respondent(s) : Nemo

Date of Hearing : 29.09.2026

O R D E R

Syed Hasan Azhar Rizvi, J.— Through this miscellaneous appeal filed under Order V, Rule 3 of the Federal Constitutional Court (Practice and Procedure) Rules, 2026, the appellants challenge the office objections pursuant to which their constitutional petition under Article 175E(3) of the Constitution of the Islamic Republic of Pakistan, 1973 (**‘Constitution’**) was returned.

2. Briefly, the appellants contend that they entered service before 2001 and each completed more than thirty years of service. However, their pensionary benefits have been calculated by restricting their qualifying service to thirty years, without allowing the additional benefit, ranging from 2% to 10%, claimed for service beyond that period. They maintain that the denial affects a large number of employees of the Punjab Government and causes a

recurring reduction in their pensions. On this basis, they assert that the petition raises a question of public importance with reference to the enforcement of their Fundamental Rights. The appellant principally relies upon the order in *Razia Aslam v. Registrar, Federal Constitutional Court of Pakistan* in *Civil Miscl. Appeal No.4/2026* to contend that the objections should be overruled and the petition registered.

3. The controversy, as presented, concerns the determination of pensionary entitlements arising from the appellants' service. Its resolution requires examination of the applicable pension rules and notifications, their temporal operation, the appellants' qualifying service and the legal basis of the additional benefit claimed. The assertion that the appellants entered service before 2001 and served for more than thirty years does not, without examination of the governing provisions, establish their entitlement to the claimed enhancement. These matters require adjudication before the forum competent to determine their service rights.

4. Article 212 of the Constitution provides for the establishment of Administrative Courts or Tribunals exercising exclusive jurisdiction over specified matters relating to the terms and conditions of persons who are or have been in the service of Pakistan. The appellants' retirement does not, therefore, by itself exclude a dispute concerning their pensionary entitlements from the service-law framework. Their claim must be pursued through the applicable departmental remedies and before the Punjab Service Tribunal, subject to the requirements of the governing law. The constitutional allocation of jurisdiction cannot be displaced merely by presenting a service claim as a petition for enforcement of Fundamental Rights.

5. The contention that numerous pensioners are similarly affected does not, *by itself*, justify direct recourse to this Court. A common grievance may have substantial financial consequences for an identifiable class of employees, but the number of persons

affected does not alter the essential character of the dispute or dispense with the jurisdictional requirements prescribed by the Constitution. Likewise, the alleged recurring nature of the loss may be relevant to the relief available before the competent forum; it does not independently confer original jurisdiction upon this Court.

6. The reliance placed upon *Razia Aslam* must be examined in the context of the distinct questions considered and decided in that case. The observations made therein arose in circumstances where no alternative remedy was available against the administrative order of the Lahore High Court rejecting the appellant's candidature for interview for the post of Civil Judge. It was in that context that the legal impediment to maintaining a writ petition against an administrative order of a High Court, as considered in *Gul Taiz Khan Marwat v. Registrar, Peshawar High Court* (PLD 2021 SC 391), assumed significance. The distinction recognised in *Razia Aslam* between administrative scrutiny and judicial adjudication remains material: the Registrar cannot conclusively determine disputed questions concerning the enforcement of Fundamental Rights or the existence of a question of public importance. That principle, however, must be distinguished from the separate question of whether a litigant may invoke this Court's original jurisdiction despite the availability of an alternative remedy. Significantly, *Razia Aslam* did not hold that the constitutional petition was maintainable under Article 175E(3); rather, that question was expressly left open for determination by the appropriate Bench. The said order, therefore, cannot be treated as authority for the proposition that the mere invocation of a Fundamental Right permits a litigant to bypass an otherwise available remedy. The pension claims of the present appellants fall within a distinct constitutional and statutory remedial framework; therefore, the order in *Razia Aslam* is of no assistance to them.

7. Consequently, the civil miscellaneous appeal is dismissed and the office objections are sustained. The appellants shall remain at liberty to pursue such remedies as may be available

to them under the law, subject to the applicable requirements of maintainability and limitation. Nothing in this order shall prejudice the determination of their pensionary claims by the competent forum. No order as to costs.

Judge

Islamabad, the
29th September, 2026.

APPROVED FOR REPORTING
*M Farhan/ **