

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:

Justice Ayesha A. Malik

Justice Naeem Akhter Afghan

C.P.L.A.5035/2025, C.M.A.9177/2025 IN C.P.L.A.5035/2025,
C.P.L.A.5414/2025, C.M.A.9781/2025 IN C.P.L.A.5414/2025,
C.P.L.A.5415/2025, C.M.A.15814/2025 IN C.P.L.A.5415/2025,
C.P.L.A.5416/2025, C.M.A.15816/2025 IN C.P.L.A.5416/2025,
C.P.L.A.5417/2025, C.M.A.15818/2025 IN C.P.L.A.5417/2025,
C.P.L.A.5755/2025 AND C.M.A.16048/2025 IN C.P.L.A.5755/2025

[Against the judgment dated 19.09.2025, passed by the Federal Service Tribunal, Islamabad, in Appeal Nos.1273(R)CS, 1268(R)CS, 1271(R)CS, 1270(R)CS and 1273(R)CS of 2022, respectively]

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| 1. | C.P.L.A.5035/2025 | Syeda Maryam Gillani and another v. Agha Waseem Ahmed and others |
| 2. | C.M.A.9177/2025 in C.P.L.A.5035/2025 | Syeda Maryam Gillani and another v. Agha Waseem Ahmed and others |
| 3. | C.P.L.A.5414/2025 | Ministry of Railway through Secretary Pakistan Railways, Islamabad v. Hamid Farooq Qureshi and others |
| 4. | C.M.A.9781/2025 in C.P.L.A.5414/2025 | Ministry of Railway through Secretary Pakistan Railways, Islamabad v. Hamid Farooq Qureshi and others |
| 5. | C.P.L.A.5415/2025 | Ministry of Railway through Secretary Pakistan Railways, Islamabad v. Naseer Ahmed Khan and others |
| 6. | C.M.A.15814/2025 in C.P.L.A.5415/2025 | Ministry of Railway through Secretary Pakistan Railways, Islamabad v. Naseer Ahmed Khan and others |
| 7. | C.P.L.A.5416/2025 | Ministry of Railway through Secretary Pakistan Railways, Islamabad v. Waqar Ahmed Shahid and others |
| 8. | C.M.A.15816/2025 in C.P.L.A.5416/2025 | Ministry of Railway through Secretary Pakistan Railways, Islamabad v. Waqar Ahmed Shahid and others |
| 9. | C.P.L.A.5417/2025 | Ministry of Railway through Secretary Pakistan Railways, Islamabad v. Agha Waseem Ahmed and others |
| 10. | C.M.A.15818/2025 in C.P.L.A.5417/2025 | Ministry of Railway through Secretary Pakistan Railways, Islamabad v. Agha Waseem Ahmed and others |
| 11. | C.P.L.A.5755/2025 | Ali Rizwan Rizvi and others v. Agha Waseem Ahmed and others |

12. C.M.A.16048/2025 in Ali Rizwan Rizvi and others v. Agha
C.P.L.A.5755/2025 Waseem Ahmed and others

For the Petitioner(s)/ : Mr. S. Naeem Bokhari, ASC
Applicant(s) (in CPLAs.5035 and 5755/2025)

Mr. Haseeb Shakoor Paracha,
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(in CPLAs.5414 to 5417 of 2025)

Nemo
(in CMA.5749/2026)

For the Respondent(s) : Mr. Muhammad Saeed Anjum, ASC
(in CPLAs.5035 and 5755/2025)

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(in CPLA.5414/2025)

Mr. Haseeb Shakoor Paracha,
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(CPLAs.5035 and 5755 of 2025)

For Ministry of : Mr. Jawad Mahmood Pasha, ASC
Railways Syed Rifaqat Hussain Shah, AOR

Date of Hearing : 13.10.2026

JUDGMENT

Ayesha A. Malik, J. By this consolidated judgment, we intend to dispose of CPLA Nos.5035 and 5755 of 2025, filed by Civil Servants (**Petitioners** herein), alongside CPLA Nos.5414, 5415, 5416 and 5417 of 2025, instituted by the Ministry of Railways through its Secretary (**Railways Department**). All these connected Petitions call in question the consolidated judgment dated 19.09.2025, passed by the Federal Service Tribunal, Islamabad (**Tribunal**), in Appeal Nos. 1268(R)CS, 1270(R)CS, 1271(R)CS and 1273(R)CS of 2022. By the impugned judgment, the Tribunal set aside the Railways Department's provisional seniority lists dated 29.06.2022¹ and 20.03.2023² and directed the Railways Department to frame fresh seniority lists strictly in accordance with the 1990 Rules.³

2. The Petitioners and the Respondents all joined the Railways Department on qualifying the Central Superior Services

¹ Letter No.4/2-3/2022-A-1, dated 29.06.2022.

² Letter No.A/3 Civil/2022-R&S, dated 20.03.2023.

³ Occupational Groups and Services (Probation, Training and Seniority) Rules, 1990 (**1990 Rules**).

(**CSS**) examination (28th to 37th Common Training Program). As per their terms and conditions, they all were probationers at the time of their appointment and subsequently became permanent employees of the Railways Department. The issue *inter se* the Petitioners and the Respondents is their seniority. The Petitioners contend that, at the time of their induction, their seniority was determined on the basis of merit in the CSS examination, in accordance with the long-standing departmental practice, rather than the 1990 Rules. A dispute arose in 2014 when the Railways Department issued a revised seniority list on 27.08.2014,⁴ attempting to retrospectively enforce Rule 6 and Rule 7 of the 1990 Rules to officers who had long completed their probation and earned regular career promotions. The Tribunal vide judgment dated 14.01.2016,⁵ set aside the revised list, holding that the 1990 Rules apply exclusively to active probationers and could not be applied on the appellants before the Tribunal. This Court affirmed that principle and dismissed the Railways Department's petitions on 14.06.2016⁶ for lack of any substantial question of law under Article 212(3) of the 1973 Constitution.⁷

3. The present round of litigation was initiated when the Respondents challenged the Railways Department's provisional seniority lists dated 29.06.2022⁸ and 20.03.2023,⁹ which had been framed on CSS examination merit, seeking the retrospective application of Rule 7 of the 1990 Rules. The departmental appeal submitted by Respondent Agha Waseem Ahmed, dated 22.07.2022,¹⁰ remained unaddressed by the Railways Department beyond the statutory period of 90 days. Consequently, an appeal was filed before the Tribunal, which vide impugned judgment dated 19.09.2025, accepted the appeals, set aside the provisional seniority lists, and directed the Railways Department to overhaul settled rankings by applying the 1990 Rules.

4. In the meantime, a three-member Bench of this Court conclusively settled the same issue in the case of *Rana Obaid Ullah*

⁴ Letter No.4/1-3/2004-A-1, dated 27.08.2014.

⁵ Muhammad Sufian Sarfraz Dogar and others. v. Secretary, Ministry of Railways in Appeal Nos.709(R)CS/2014, 460(R)CS/2015 and 461(R)CS/2015, dated 14.01.2016.

⁶ CPs No.1606, 1696 and 1697 of 2016.

⁷ The Constitution of the Islamic Republic of Pakistan, 1973 (**1973 Constitution**).

⁸ *supra* (note 1)

⁹ *supra* (note 2)

¹⁰ Representation dated 22.07.2022, Agha Waseem Ahmed, Joint Secretary SAFRON, 28th CTP, RCTG.

*Anwar*¹¹ concerning the Department of the Auditor General of Pakistan. This Court held that where an entry-level practice based on CSS examination merit has operated over decades, retrospective enforcement of Rule 7 of the 1990 Rules is impermissible. Recognizing that upending settled cadres will cause severe hardship and administrative chaos, this Court exercised remedial restraint and refused to disturb the longstanding promoted batches given that sixteen years had elapsed since their probation. To discourage compulsive departmental litigation, the department's petitions were dismissed with exemplary costs of Rs.1,000,000/-. Conversely, upon a detailed perusal, we find the Respondents' reliance on the decision of this Court in the *Naureen Ahmed Tarar Case*¹² is misplaced. That decision concerned a 2001 statutory amendment to the 1990 Rules regarding examination attempts as an added condition to the order of merit and provides no authority to retrospectively dismantle long-settled, post-probation cadres.

5. The fundamental controversy before this Court stems from an enduring friction between the longstanding departmental practice and the statutory provision of Rule 7 of the 1990 Rules. The Railways Department has also filed CPLAs before this Court, contending that its decades old departmental practice of maintaining seniority on CSS examination merit ought to be protected, and that the Tribunal erred in directing a retrospective enforcement of the 1990 Rules. In the impugned judgment, the Tribunal rejected this contention, held that the 1990 Rules hold the field and directed that fresh seniority lists be prepared accordingly. In doing so, the Tribunal fell into grave error on four essential counts: **(i)** it overlooked its own established line of judgments (2015 to 2025)¹³ which had consistently held that the 1990 Rules cannot be applied retrospectively to dismantle settled promotional cadres established under longstanding departmental practice; **(ii)** it failed to abide by

¹¹ CPLA No.686 of 2024, etc, dated 30.09.2024.

¹² Chairman, Federal Board of Revenue, Islamabad v. Naureen Ahmed Tarar (2020 SCMR 90).

¹³ Zaigham Abbas and others v. AGP, Islamabad in Appeal Nos.303, 305, 306, 307, 375 and 376(L)CS/2011, dated 03.03.2015; Muhammad Sufian Sarfraz Dogar and others v. Secretary, Ministry of Railways in Appeal Nos.709(R)CS/2014, 460 and 461(R)CS/2015, dated 14.01.2016; Naureen Ahmed Tarar and others v. Chairman, FBR in Appeal Nos.460 and 461(R)CS/2013, dated 30.07.2015; Syed Shakeel Shah and others v. FBR in Appeal Nos.1150 to 1153(R)CS/2013, dated 05.01.2017; Kamran Ahmed Hamidi v. Federation of Pakistan in Appeal Nos.81(K)CS/2018, dated 02.10.2019; Rana Obaid Ullah Anwar and others v. Auditor General of Pakistan and others in Appeal Nos.928(R)CS/2022, 929 to 932, 1033(R)CS/2022, 03, 52, 165, 166, 49, 47 and 48(R)CS/2023, dated 12.12.2023; Muhammad Shakeel Pasha Mehsood and others v. Auditor General of Pakistan and others in Appeal Nos.795(R)CS/2022 to 800(R)CS/2022 dated 28.04.2025.

the law declared by this Court which recognized the longstanding departmental practice of maintaining seniority on CSS examination merit and declined to interfere in the settled promotional cadres; **(iii)** it failed to appreciate that Rule 7 of the 1990 Rules applies strictly to active probationers at initial entry into BS-17, and has no operational application to civil servants who completed probation years ago and earned regular career promotions, as is the case for the Petitioners and the Respondents before this Court; and **(iv)** it overlooked the material fact that the Respondent (*Agha Waseem Ahmed*) entered service, completed probation, and attained successive career promotions under this very same departmental practice without any dispute, yet sought to overturn that established framework at a belated stage solely to obtain a personal advantage.

6. Addressing these foundational errors, we find that although the 1990 Rules relate to probationers on entry in the Railways Department, the Railways Department's continuous assignment of entry rankings based on CSS examination merit across past decades generated a legitimate expectation in favour of civil servants who relied upon it and earned regular career promotions over time. Since seniority is an indispensable matter of institutional confidence, career security, and administrative stability, permitting the Railways Department to directly and retrospectively dismantle its longstanding practice, and that too against civil servants who are no longer on probation, would destabilise the entire departmental structure. In this context, this Court cannot permit a retrospective application of the 1990 Rules on two fundamental grounds: **(i)** that the Rule 7 of the 1990 Rules applies exclusively to officers during active probation at initial entry into BS-17 and that the officers in question having successfully completed their probationary periods years ago and attained regular career promotions to higher grades are no longer probationers; and **(ii)** the 1990 Rules cannot operate retrospectively to alter past and closed transactions, destroy accrued civil rights, or strip civil servants of regular career promotions earned in BS-18, BS-19 and BS-20, which remain protected under Section 8(4) of the 1973 Act.¹⁴ At best, this Court can allow, that too if the Railways Department desires to

¹⁴ The Civil Servants Act, 1973 (1973 Act)

enforce Rule 7 of the 1990 Rules in the future, it may only do so prospectively for fresh induction at the initial entry and that too upon giving sufficient prior notice of its intent to change the procedure for determining the order of merit at the time of induction. Meaning thereby, existing seniority cannot be dismantled, recalculated or disturbed under the garb of enforcing the 1990 Rules.

7. In this context, we note that this perpetual tug-of-war between administrative practice and statutory probation rules initially originated from the Railways Department's longstanding decision to rely on CSS examination merit at initial induction. This choice matured into an established departmental practice that governed seniority across decades and was recognized as such by this Court. This history directly engages a fundamental requirement of good governance: public institutions must learn from recurring disputes and foster a culture of administrative finality. Where an administrative practice has repeatedly been tested and upheld by the courts, a responsible public authority must apply that settled law internally rather than treating each representation as an isolated event. Having full clarity that its longstanding practice based on CSS examination merit had been judicially affirmed, the Railways Department was under a positive administrative duty to decide the Respondents representations in accordance with settled law. Instead, it sat in silence and failed to decide the representations. By failing to discharge its administrative duty to resolve the departmental appeal on settled principles, the Railways Department encouraged avoidable litigation, thereby forcing the re-adjudication of a controversy that ought to have been permanently laid to rest.

8. As a public authority and state institution, the Railways Department is expected to act as a model employer towards its officers. Service jurisprudence requires a model employer to conduct its internal affairs with probity and administrative responsibility, ensuring above all that settled service conditions remain stable and unthreatened by administrative indecision. A government department must therefore not function as a compulsive litigant, allowing institutional passivity to repeatedly drag settled controversies back into the courts; leaving civil servants in prolonged

uncertainty, while wasting public funds and consuming precious judicial time over issues already resolved. By exercising proactive leadership and deciding grievances internally on settled law, a public authority preserves institutional stability, thereby fulfilling its fundamental obligation as both a model employer and a responsible litigant.

9. An equal measure of institutional responsibility rests upon the civil servants themselves. As officers of the State holding positions of public trust, civil servants bear a solemn duty to act with selflessness, administrative restraint and institutional loyalty, prioritising the overarching public interest rather than exploiting administrative uncertainties for personal gain. Where an officer, such as the Respondents herein, entered service, completed probation and advanced through regular career promotions under an established departmental practice, seeking to overturn that very framework at a belated stage merely because a different rule yields a personal advantage directly defies this institutional duty. The pursuit of personal ambition must always remain subordinate to the overarching duty owed to the State, and civil servants bear a firm responsibility to preserve the stability, predictability and operational harmony of State institutions.

10. For the foregoing reasons, these Petitions are allowed and the Tribunal judgement dated 19.09.2025 is set aside.

11. All the Civil Miscellaneous Applications are disposed of.

Judge

Judge

Islamabad
13.10.2026
APPROVED FOR REPORTING
Azmat/Rahima Khurram*