

SUPREME COURT OF PAKISTAN
(Review Jurisdiction)

Present:

Justice Muhammad Ali Mazhar
Justice Musarrat Hilali
Justice Shahid Bilal Hassan

**Civil Review Petitions No.521 to 541 of 2024 in
CPLAs.No.128-K, 131-K, 133-K, 134-K, 136-K,
137-K, 138-K, 139-K, 144-K, 145-K, 146-K, 148-
K, 149-K, 150-K, 151-K, 152-K, 153-K, 155-K,
158-K, 160-K, 163-K of 2024.** (Review against the Order
dated 04.04.2024 passed by this Court in CPLAs.No.128-K, 131-K,
133-K, 134-K, 136-K, 137-K, 138-K, 139-K, 144-K, 145-K, 146-K,
148-K, 149-K, 150-K, 151-K, 152-K, 153-K, 155-K, 158-K, 160-K,
163-K of 2024)

AND

**Civil Review Petitions No.764 to 782 of 2024 in
CPLAs No. 53-K, TO 61-K, 63-K TO 69-K, 71-K,
72-K, 73-K of 2024.** (Review against the Order dated
04.04.2024 passed by this Court in CPLAs.No.53-K TO 61-K, 63-K
TO 69-K, 71-K, 72-K, 73-K of 2024)

SIP Mukhtiyar Ali Thebo etc.	(CRP 521/24)
SIP Akhtar Ali Narejo	(CRP 522/24)
SIP Naimatullah Khuahwar	(CRP 523/24)
SIP Abdul Rasheed Korkan	(CRP 524/24)
SIP Azhar Hussain Chandio	(CRP 525/24)
Shakeel Khan	(CRP 526/24)
SIP Abdul Ghafoor Bughio	(CRP 527/24)
SIP Abdul Satar Jatoi	(CRP 528/24)
SIP Iftikhar Ahmed	(CRP 529/24)
SIP Ali Gul Mirbahar	(CRP 530/24)
SIP Aftab Ali Soomro	(CRP 531/24)
Mir Hazar	(CRP 532/24)
Ashique Ali Soomro	(CRP 533/24)
Azhar Ali Qureshi	(CRP 534/24)
Safdar Hussain Larik	(CRP 535/24)
Ashiq Ali Soomro	(CRP 536/24)
Gulzar Ahmed	(CRP 537/24)
Ajeeb Ali Khakhrani	(CRP 538/24)
Ali Sher Jagirani	(CRP 539/24)
Sikandar Ali Chandio	(CRP 540/24)
Abdul Waheed Narejo	(CRP 541/24)
Iftakhar Hussain	(CRP 764/24)
SIP Zubair Hussain Sammo	(CRP 765/24)
Aijaz Ali Jiskani	(CRP 766/24)
SIP Pervaiz Ahmed Dayo	(CRP 767/24)
Siraj Ahmed Kubar	(CRP 768/24)
Mansoor Ali Hattar	(CRP 769/24)
Muhammad Akram	(CRP 770/24)
SIP Sanaullah Shaikh	(CRP 771/24)
SIP Ghulam Rasool Baloch	(CRP 772/24)

SIP Irshad Ahmed Dal	(CRP 773/24)
SIP Rafique Ahmed Soomro	(CRP 774/24)
Haq Nawaz Kalwar	(CRP 775/24)
Mehtab Ahmed Abbasi	(CRP 776/24)
SIP Oshaque Ali	(CRP 777/24)
Mujahid Hussain Mangi	(CRP 778/24)
SIP Ghulam Nabi	(CRP 779/24)
SIP Ghulam Mustafa Soomro	(CRP 780/24)
SIP Tahir Muhammad	(CRP 781/24)
SIP Muhammad Usman Malik	(CRP 782/24)
	...Petitioners

Versus

Province of Sindh and others	...Respondents
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For the Petitioners:	Mr. Ahmed Ali Ghuman, ASC (In CRPs 521-541/24)
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Malik Naeem Iqbal, ASC
Assisted by Mr. Nasir, AHC
(In CRPs 764-782/24)

For the Respondents:	Mr. M. Sibtain Mehmood, Addl. AG Sindh Mr. Ali Sher Jakhrani, AIG Estb. Sindh Police (all cases)
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Date of Hearing:	09.06.2026
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Judgment

Muhammad Ali Mazhar, J. These Civil Review Petitions have been preferred under Article 188 of the Constitution of Islamic Republic of Pakistan 1973, against the order dated 04.04.2024, passed by this Court in CPLAs.No.128-K, 131-K, 133-K, 134-K, 136-K, 137-K, 138-K, 139-K, 144-K, 145-K, 146-K, 148-K, 149-K, 150-K, 151-K, 152-K, 153-K, 155-K, 158-K, 160-K, 163-K of 2024 and CPLAs.No.53-K to 61-K, 63-K to 69-K, 71-K, 72-K and 73-K of 2024, whereby the judgment dated 30.11.2023 of the learned Sindh Service Tribunal at Karachi (**Tribunal**) passed in Service Appeals No.809 of 2019 etc. was challenged in this Court.

2. The grievance of the petitioners was that their names were recommended as senior most Sub Inspectors for admission in the list “F” for promotion to the rank of Inspector vide letter dated

17.06.2019 but to a sudden surprise without providing an opportunity of hearing or notice, the Additional Inspector General of Sindh, Police issued a letter dated 14.04.2020 to withdraw the seniority. They all challenged the abrupt withdrawal of their seniority before the Tribunal but their service appeals were dismissed. Being aggrieved and dissatisfied, they challenged the said judgment by means of aforesaid Civil Petition in this Court but *vide* Order dated 04.04.2024, the two Member Bench dismissed the civil petitions. Since both the Honourable Judges are retired from service, therefore, the aforesaid Review Petitions are fixed before this three member bench. The order of this Court sought to be reviewed is reproduced as under:

“The petitioners before us have been described as the "first set" of the appellants in the impugned judgment. Admittedly they were appointed as Assistant Sub-Inspectors in the year 2010 and confirmed in the year 2014, which was never challenged by them, yet they claim seniority from the year 1996. This claim has been dismissed by the Tribunal through the impugned judgment. We have heard the learned counsel for the petitioners at some length and find that neither any substantial question of law of public importance has been specified in these petitions nor any has been raised before us. It is also clarified that the Service Tribunal is the highest forum for the purpose of determination of facts and only a substantial question of law of public importance arising out of the case can be taken up by this Court. See *Secretary Revenue Division v. Iftikhar Ahmed Tabbasum* (PLD 2019 SC 563). No such question is involved in the instant petitions, which are accordingly dismissed and leave refused”.

3. The learned counsel for the Review petitioners at the very outset argued that the petitioners were given correct seniority *vide* seniority list dated 28.04.2015 but on 18.11.2020, the Seniority List of Sub-Inspectors was upset and they were declared juniors to their colleagues without issuing any show cause notice or providing any opportunity of hearing to place their point of view. In support of his contentions, learned counsel

relied on the judgment of this Court in the case of Province of Sindh through Chief Secretary Government of Sindh and others vs. Raj Kumar Lohana and others (**2026 SCMR 278**).

4. In rebuttal, the learned Additional Advocate General, Sindh, raised several pleas, including the contention that even in 2015, the petitioners were not entitled to the seniority in rank assigned to them but they were awarded ante-dated seniority in violation of relevant rules. However, he fairly conceded that before disturbing the petitioners' seniority, no opportunity of hearing was afforded to defend the assigned seniority in 2015 which was disturbed in the year 2020.

5. We have heard the learned counsel for the review petitioners as well as the learned Additional Advocate General, Sindh, and also carefully examined the order of this Court under review. It is an admitted position that although the learned Tribunal non-suited the petitioners and dismissed their service appeals, the fact remains that while disturbing the Seniority List of 2015 in 2020, no opportunity of hearing was provided to the petitioners to present their point of view. Such a course was adopted in clear violation of the principles of *audi alteram partem*, due process of law, and the mandate of Article 10A of the Constitution of the Islamic Republic of Pakistan, 1973. This crucial aspect appears to have escaped the attention of the learned Bench of this Court while deciding the matter under review. The omission is manifested from the record and constitutes an error apparent on the face of the record, warranting interference in the exercise of review jurisdiction.

6. The seniority in service can be construed as an asset which characterizes accrued experience, institutional acquaintance and dependability which is an essential enforceable right with a legitimate expectation to be placed at a right place in seniority list according to law and applicable rules of service. It is also treated as a functional asset which paves the way to the career

progression though does not guarantee the automatic promotion. The unwavering asset of seniority can be construed as a shield and stepping stone which cannot be wiped away by abrupt administrative vicissitudes rather it should be protected from being destabilized subsequently. Even if it is found against the service rules, it cannot be unilaterally meddled with by the employer unless an affected employee is confronted and provided a fair opportunity of being heard in support of his case by following the due process of law.

7. In the case of Province of Sindh through Chief Secretary Government of Sindh and others vs. Raj Kumar Lohana and others **(2026 SCMR 278)**, (authored by one of us), it was held that the seniority plays an essential role in the career progression and future prospects. It signifies the span of time an employee has worked within an institution, organization or enterprise. Civil Service Seniority Rules are primarily turned out to be a ground rule for the progression of government employees seminal for career trajectories and promotion while confirming the criteria of merit-cum-fitness. This legal scaffold is meant to ensure impartiality, fair-mindedness and transparency in the process not only for determining the seniority but also a pathway for fostering promotion and consistency along with the right remedies to resolve seniority disputes within the employees. By and large, the seniority and/or inter-se seniority is in fact determined on the basis of total length of service and for judicious resolution of this question, the actual period of service must be kept in mind. It was further held that while determining the issue of seniority, predominance should have been given to the statutory provisions that are in vogue including the provisions set out for the alleviation of grievances vis-à-vis the determination of seniority. Of course, the expression “seniority”, in the labour and service laws, exemplifies the precedence or preference in the standing of an employee over other similarly placed employees with the philosophy that if service of an

employee is lengthier or on top of one another employee, then he is designated senior to the other. Since seniority bequeaths a valuable right and the whole future career and prospects of an employee time and again hinge on such seniority, therefore, its determination must be in accordance with relevant laws and rules. Moreover, if the seniority list is to be revised, revisited or upset come what may, it is an onerous obligation of the competent authority/concerned department to confront the issue to all persons who were likely to be affected and deprived of their seniority but without following due process, it was sheer contravention of Article 10-A of the Constitution of the Islamic Republic of Pakistan, 1973 (**Constitution**). The principles of natural justice requires that the delinquent should be afforded a fair opportunity to converge, explain, and contest the allegation against him before he is found guilty, condemned or any adversarial action is taken against him. It is incumbent that all judicial, quasi-judicial, and administrative authorities should carry out their powers with a judicious and evenhanded approach to ensure justice according to the tenor of law and without any violation of the principles of natural justice. The predominant purpose of a show cause notice is to seek out a response explicating why a disciplinary or departmental action should not be taken. If any action is taken without due process of law or in violation of natural justice/fair trial then the whole/entire infrastructure built thereupon deserves demolition and desolation.

8. In the present context, the aphorism is quite relevant that an error doesn't become a mistake until you refuse to correct it. It is better to correct the mistake than to live with it. It is well to remember the words of a jurist that "a judge who has not committed any error is yet to be born". This phrase expresses that no judge is perfect and all are prone to making mistakes, a sentiment echoed in various contexts, from legal discourse to the broader understanding of human fallibility. Whereas the

concentration on the philosophy of “corrective action”, or “lessons learned” are equivalently pivotal and dominant which allude to the necessity for adopting appropriate course to address and set right to wrong for obliterating the root cause which created the potential problem with negative outcome. To err is to be human; even judges can make mistakes. Undoubtedly, once a judgement is rendered, it attains finality but sometimes the decisions or judgments of the Court or Tribunals encompass palpable errors or opaqueness, requiring its timely correction. In order to rectify the errors or missteps, the law provides mechanisms for rectification, reparation of lapses or in excess of jurisdiction. The Latin maxim “*curare defectum potius quam errorem perpetuare*” accentuates to cure the defect rather than perpetuate the error which exemplifies the vantage point that the judicial process must seek to remove injustice rather than entrench it under the guise of finality.

9. In the case of Commissioner Inland Revenue Z-III, Corporate Regional Tax Office, Tax House, Karachi versus M/s MSC Switzerland Geneva & others **(2023 SCMR 1011 = 2023 SCP 150)**, (authored by one of us) the review jurisdiction was discussed *in extenso*. The mistakes or errors which are self-evident and found floating on the face of the record, or the production of new and important evidence which was not in the knowledge of the applicant after the exercise of due diligence and which could not be produced at the time the order under review was made, which, if noticed earlier, would have material bearing on the final result of the case and, if not corrected, may perpetuate illegality and injustice; the orders based on an erroneous assumption of material facts, or without advertent to a provision of law, or a departure from undisputed construction of law and Constitution may amount to an error apparent on the face of the record; misconstruction of law, misreading of the evidence on record and non-consideration of pleas raised before a Court would amount to an error floating on the surface of record.

The expression, "error apparent on the face of the record" cannot be defined with precision or exhaustiveness, and there would always remain an element of indefiniteness inherent in its very nature.

10. In the wake of above discussion, the order under review dated 04.04.2024 is recalled. All the above Civil Petitions are restored to their original numbers and fixed together for hearing today and converted into appeals and partially allowed. As a consequence thereof, the impugned judgment of the Tribunal is set aside to the extent of the "First Set" of petitioners, as rightly identified in the Order of this Court dated 04.04.2024. The department is directed to afford an adequate opportunity of hearing to the petitioners including other affected persons and after considering the respective contentions, pass a speaking order in accordance with law. To make things easier, it is further clarified that if the contentions/objections of the petitioners are found substantial and abrupt upsetting of seniority position is found to be in violation of law and causing injustice, a fresh seniority list shall be compiled and issued within a period of two months from the date of receipt of this judgment. Till such time, the status quo regarding the seniority list dated 18.11.2020 shall be maintained to the extent of first set of the petitioners, as identified in the Order of this Court dated 04.04.2024.

Judge

Judge

Judge

ISLAMABAD
9th June, 2026
Mudassar / ☆

Approved for reporting