Legal News

FCC Restores Balochistan’s Absorption of Surplus Officers Into BCS and BSS

The FCC upheld Balochistan’s 2022 absorption of surplus officers under Section 11-A, citing the restructuring of their original service groups.

By Shahbaz Shah · 23 November 2026

C.P.L.A. Nos. 5 and 6 of 2024 · Decided 19 November 2026



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The Federal Constitutional Court has restored Balochistan’s decision to absorb surplus Assistant Executive Officers into the Balochistan Civil Service and the Balochistan Secretariat Service. The Court held that reorganisation under a government decision can trigger Section 11-A of the Balochistan Civil Servants Act, 1974. On the record before it, the restructuring and abolition of posts supported the absorption. The bench announced the decision on 19 November and the court posted the reasons on 23 November. Paragraphs 13–14.

How the officers became surplus

Balochistan created its Planning and Economics Group and Finance and Accounts Group in 2001. The officers entered through a competitive examination conducted by the Balochistan Public Service Commission and were appointed as Assistant Executive Officers. An initial absorption in 2008 was withdrawn in 2016. The government then created Officer on Special Duty posts to release salaries, and the Finance Department sanctioned abolition of the original posts in December 2017. Paragraphs 2–4.

In March 2022 the Supreme Court directed the government to consider accommodation under the relevant laws, particularly Section 11-A, and to frame a policy with an open mind. Balochistan issued its fresh notification on 1 October 2022. The High Court struck it down, reasoning that there had been no formal or valid abolition of the management groups. Justice Aamer Farooq wrote the FCC judgment for the bench with Chief Justice Amin-ud-Din Khan. Paragraphs 4–5 and paragraph 12.

What Section 11-A permits

Section 11-A addresses civil servants who become surplus after a government decision to reorganise or abolish a department, office or post. It permits an appointment at an equivalent basic pay scale if the officer has the qualifications and meets the other conditions of that post. Where no equivalent position is available, a lower post may be offered under the prescribed procedure with protection of the previous pay. The Court read reorganisation as an independent statutory ground. Paragraph 11.

The High Court had questioned whether the Finance Department's 2017 action could establish valid abolition. The FCC examined the government's decisions across the restructuring, including the 2022 notification that implemented the absorption. It also considered seniority. Drawing on the guidance in 2013 SCMR 1752, it treated existing cadre officers as protected where incoming officers take seniority at the bottom. It allowed both appeals, set aside the High Court's judgment and dismissed the writ petitions against the 2022 notification. Paragraph 12 and paragraphs 13–14.

Sources

Complete FCC judgment · Official court PDF · FCC judgment register.

Frequently asked questions

What happened to the 1 October 2022 absorption notification?

The FCC set aside the High Court's decision and dismissed the writ petitions that challenged the notification. The government's absorption decision stands. Judgment.

Can restructuring trigger Section 11-A?

Yes. A government decision to reorganise can render a civil servant surplus. The section also addresses abolition of a department, office or post. Judgment.

Can a surplus civil servant be offered a lower post?

Section 11-A permits a lower post under prescribed conditions if an equivalent one is unavailable. The pay drawn in the former higher post remains protected. Judgment.

How did the Court address the existing officers' seniority?

It relied on precedent concerning placement of absorbed officers at the bottom of the receiving cadre's seniority list and found no prejudice to incumbents from the absorption before it. Judgment.