

FCC Rejects OGDCL Recall Bid as Barred Second Review in Pension Case

Case: Managing Director, Oil & Gas Development Company Limited, Islamabad v. Registrar, Federal Constitutional Court, Islamabad & another

Court: Federal Constitutional Court of Pakistan

Case number: Civil Miscellaneous Appeal No. 37 of 2026

Judge: Justice Syed Hasan Azhar Rizvi, Judge in Chambers

Date: 30 September 2026

Result: Appeal dismissed; objection to recall application maintained.

Key law: Article 175F and Article 175G of the Constitution; Order XXVII, rule 8; Order X, rule 2; Order XXXV, rules 1 and 6; and Order IV, rules 6 and 15 of the Supreme Court Rules, 2025, as applied in the order.

The Federal Constitutional Court has upheld the rejection of an application by Oil & Gas Development Company Limited (OGDCL) to recall an order that had disposed of its review petition in an employee pension case. Justice Syed Hasan Azhar Rizvi held on 30 September 2026 that, despite its label, the application sought a second review of a judicial conclusion and was barred by the applicable rules.

The order does not reconsider the employee’s pension entitlement. Its central question is when a request to “recall” an order is actually a further review.

How did the pension dispute reach this stage?

Shakeel Ahmed Kayani had challenged OGDCL in the Islamabad High Court, which dismissed his writ petition on 2 February 2022. On 17 September 2025, the Supreme Court allowed his appeal, set aside that decision and held him entitled to additional pension under section 5 of the Oil and Gas Development Corporation (Re-organization) Ordinance, 2001, read with regulation 15(1A) of the Oil and Gas Development Corporation Pension and Gratuity Regulations, 1985. That judgment is reported as *Shakeel Ahmed Kayani v. Managing Director/Chief Executive Officer, Islamabad and another* (2026 SCMR 449).

OGDCL filed Civil Review Petition No. 667 of 2025. Following the Twenty-Seventh Constitutional Amendment, the review stood transferred from the Supreme Court to the FCC under Article 175F. On 11 May 2026, an FCC Bench dismissed it as infructuous after considering a renewed adjournment request, the presence of OGDCL’s Advocate-on-Record (AOR), and a compliance report indicating payment of the employee’s dues.

OGDCL then sought recall of that order and restoration of the review. The Registrar returned the application under Order XXVII, rule 8, read with Order X, rule 2 of the Supreme Court Rules, 2025, as adopted by the FCC at the relevant time. OGDCL appealed that objection.

Why was the recall request treated as a second review?

OGDCL argued that it had complied with the pension judgment without surrendering its review rights. It said its counsel had sought an adjournment and that its AOR was not equipped to

address the legal effect of compliance. In its view, the original review should not have been called infructuous.

The FCC focused on what the new application would require the Court to do. The 11 May order was not a dismissal for non-appearance or want of prosecution. The Bench had considered the circumstances and made a judicial determination that the review had become infructuous. To restore it on OGDCL's proposed ground, the Court would have to reject that conclusion and set aside the final review order. That was substantive reconsideration, whatever the application was called.

Order XXVII, rule 8 bars a subsequent review after final disposal of the first. The FCC said "final disposal" is not limited to decisions addressing every argument in the first review. Order X, rule 2 also restricts changes to a judgment pronounced in open court, subject to the rules on review and narrow corrections of clerical, arithmetic or accidental errors.

Did counsel's absence create a procedural defect?

The Court found no independent defect supporting recall. OGDCL's private counsel was absent, but its AOR attended. Under Order IV of the applicable rules, the AOR has responsibility to act and appear for the party. His presence was real representation, even though it did not amount to a concession that compliance legally extinguished OGDCL's review rights.

The Court drew an important boundary: a genuine procedural defect may justify considering recall. Here, the complaint about counsel's absence ultimately led back to a challenge to the Bench's conclusion about the effect of compliance. The FCC did **not** hold as a general rule that payment always makes a pending review infructuous. It addressed whether this particular final review order could be reopened through the later application.

Could the Registrar return the application?

OGDCL relied on *Razia Aslam v. Registrar, Federal Constitutional Court of Pakistan*, Civil Miscellaneous Appeal No. 4 of 2026, which concerned the Registrar's inability to decide disputed constitutional questions in an original petition. The FCC distinguished it: the rule here expressly directed the office not to entertain a subsequent review after the first had been finally disposed of. Applying that procedural bar was different from deciding the merits of a constitutional claim.

The Court also held that the procedural relaxation and inherent powers in Order XXXV, rules 1 and 6 could not be used to defeat an express prohibition on a second review. The substance of the grounds and requested relief, rather than the words "recall" or "restoration", controlled the outcome.

The appeal was dismissed and the Registrar's objection of 3 July 2026 remained in place. The FCC expressly declined to revisit either the Supreme Court's 2025 pension judgment or the FCC's 11 May 2026 order. There was no order as to costs.

For practitioners: A recall application should identify an independent procedural defect. If granting it requires the court to reconsider a conclusion made while disposing of a review, the application may be treated as a prohibited subsequent review.

Source: Federal Constitutional Court, Civil Miscellaneous Appeal No. 37 of 2026, order dated 30 September 2026 (approved for reporting). Paragraph 11 refers once to "Rules of 2015"; the order otherwise consistently identifies and applies the Supreme Court Rules, 2025.