

Supreme Court: CTP Repeater Cannot Claim Seniority With Original Batch

In *Federation of Pakistan v Kamran Khan*, the Supreme Court held that a probationer who repeats and passes a later Common Training Programme takes seniority with the successful batch, not the original batch.

Supreme Court of Pakistan service-law judgment commentary
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Case: Civil Petition for Leave to Appeal No. 670 of 2024

Decision: 2 June 2026 | Approved for reporting

Court: Supreme Court of Pakistan, Appellate Jurisdiction

Bench: Justice Muhammad Ali Mazhar, Justice Musarrat Hilali and Justice Irfan Saadat Khan

Result: Appeal allowed; Federal Service Tribunal judgment set aside

The ruling in one sentence

The Supreme Court of Pakistan has held that a civil-service probationer who does not satisfactorily complete the Common Training Programme with the original batch, repeats the programme and succeeds with a later batch cannot claim seniority with the original batch: seniority follows the batch with which the mandatory training is successfully completed.

The ruling was delivered in *Federation of Pakistan through Secretary, Establishment Division v Kamran Khan*, Civil Petition for Leave to Appeal No. 670 of 2024. A three-member bench comprising Justice Muhammad Ali Mazhar, Justice Musarrat Hilali and Justice Irfan Saadat Khan heard and decided the matter on 2 June 2026. Justice Muhammad Ali Mazhar authored the judgment, which was approved for reporting.

How the dispute arose

Kamran Khan joined the Police Service of Pakistan as a probationer on 30 September 2016. He was allocated to the 44th Common Training Programme, commonly called the CTP. His performance was found unsatisfactory and he did not complete that programme successfully. He was then required to repeat the CTP with the 45th batch, which he completed.

The Establishment Division fixed his seniority with the batch whose CTP he had successfully completed. Kamran Khan challenged Office Memorandum No. 2/3/2015-T-V dated 22 October 2015, which explained how seniority would be determined when a probationer had to repeat the CTP because of unsatisfactory performance.

The Federal Service Tribunal allowed his appeal on 11 December 2023 in Appeal No. 328(P)CS/2021. Although it upheld the order requiring him to repeat the CTP, it declared the Office Memorandum ultra vires and directed that his seniority be calculated by using the marks obtained in the 44th CTP rather than by placing him with the 45th batch.

The Federation challenged that result before the Supreme Court.

The statutory framework

The case turned on the Occupational Groups and Services (Probation, Training and Seniority) Rules, 1990. These rules were framed under section 25, read with sections 6 and 8, of the Civil Servants Act, 1973.

Rule 3 governs prescribed training and examinations during probation. Rule 4 addresses unsatisfactory

performance in training. Rule 6 specifies the consequences of failing the final passing-out examination. Rule 7 regulates inter se seniority after the final passing-out examination and connects relative placement with the applicable assessment and marks. Rule 10 permits removal from service or other action where a probationer fails to comply with the rules or engages in misconduct.

The Court treated these provisions as an integrated scheme. A person does not acquire final batch placement merely by starting a particular CTP. The decisive statutory event is satisfactory completion of the mandatory training and examination through which the officer qualifies for the service.

Seniority is governed by law, not expectation

The judgment reiterates a settled service-law principle: seniority is not an inherent or fundamental right existing independently of the applicable rules. A civil servant has a right to have seniority determined lawfully, but the content of that right comes from the statutory framework governing the service.

For a probationer, entry into training creates an expectation of progression if the prescribed requirements are met. It does not guarantee the seniority position associated with that batch even if the probationer fails to complete the programme satisfactorily.

The distinction is important. The respondent was not deprived of a seniority position already secured under the rules. His position had to be identified after he successfully completed the mandatory CTP, and that success occurred with the 45th batch.

Why the successful CTP batch controls

The Supreme Court held that seniority ordinarily attaches to the CTP in which the probationer qualifies. A candidate who passes with the original batch may be ranked within that batch according to the applicable marks and assessment. A candidate who does not qualify and has to repeat the programme does not remain part of the original batch for seniority merely because that was the first programme attended.

Kamran Khan successfully completed the 45th CTP. The legal consequence was that his seniority fell to be fixed with that batch, according to the governing rules. The marks or participation associated with the incomplete 44th CTP could not be used to restore him to a cohort whose qualifying requirement he had not met at the relevant time.

This approach also protects the settled expectations of officers who completed the earlier programme successfully. Moving a later qualifier into the earlier batch would alter their relative positions without statutory authority.

Why the Office Memorandum was valid

The Office Memorandum dated 22 October 2015 stated that when a probationer repeats a CTP because of unsatisfactory performance, seniority will be fixed with the batch whose CTP the probationer successfully completes. It also allowed service from the original first CTP to be considered for pay fixation. A second instance of poor performance could lead to termination of service.

The Federal Service Tribunal regarded the memorandum as ultra vires. The Supreme Court disagreed. It held that the memorandum did not contradict, replace or amend the 1990 Rules. It explained the practical operation of Rules 6 and 7 in a situation where the probationer did not qualify with the original batch and later succeeded with another.

An executive instruction cannot override a statutory rule. But an administrative clarification may validly operate where it remains within the rule, supplies a working method and does not create a conflicting legal standard. On the Court's reading, the 2015 memorandum was harmonious with the governing scheme.

Pay fixation is not seniority

One of the judgment's most useful distinctions concerns the different legal purposes of pay and seniority. The memorandum allowed the respondent's service from the original CTP to be considered for pay fixation. He argued that this recognition supported seniority from the same point.

The Court rejected that inference. Counting an earlier period for pay protects a financial or service-related benefit; it does not place the officer retrospectively above or alongside people who qualified earlier. Pay fixation and inter se seniority are separate incidents of service and may lawfully use different reference

dates.

Accordingly, the benefit granted for pay did not undermine the rule that seniority followed successful completion of the later CTP.

The Rule 10 argument

The respondent argued that the authorities had not taken formal action under Rule 10 and therefore could not deprive him of seniority with the original batch. The Supreme Court did not accept this reasoning.

Rule 10 concerns the more serious consequences that may follow non-compliance or misconduct, including removal or other action. It was not necessary to impose a Rule 10 punishment before applying the ordinary seniority consequences of Rules 6 and 7.

Indeed, the respondent had been given another opportunity to complete the CTP rather than being removed from service. The Court treated that chance as fair and beneficial. The opportunity to repeat training did not carry an additional entitlement to erase the seniority consequence of failing to qualify with the first batch.

What the Tribunal got wrong

The Tribunal reached two conclusions that could not stand together under the statutory scheme. It accepted the order requiring repetition of the training, yet directed seniority to be worked out as if the respondent had qualified with the original programme.

That approach separated training from the legal consequence that the rules attach to successful completion. It also treated the Office Memorandum as a new restriction when the Supreme Court found that it merely articulated the result already flowing from Rules 6 and 7.

The Supreme Court therefore held that the Tribunal had misread the governing provisions and had no legal basis to direct calculation by reference to the 44th CTP.

The final order

The Supreme Court converted the petition for leave to appeal into an appeal and allowed it. It set aside the Federal Service Tribunal judgment dated 11 December 2023 and dismissed Kamran Khan's service appeal.

The result is that:

- the Establishment Division's Office Memorandum dated 22 October 2015 remains valid;
- Kamran Khan's seniority is to be determined with the 45th CTP, which he successfully completed;
- participation in the 44th CTP does not confer seniority with that batch;
- earlier service may still be considered for pay fixation under the memorandum; and
- no separate Rule 10 punishment was required before applying the seniority consequence.

Practical implications for civil servants and departments

For probationers, the judgment makes successful completion of mandatory training the critical event. A challenge based only on the date of induction or original nomination to a CTP is unlikely to succeed where the statutory rules connect seniority with qualification and the officer passed with a later batch.

For departments, the decision supports clear and consistent batch-based seniority lists. Records should separately identify the dates of appointment, commencement of training, successful completion, examination results, pay benefits and the batch used for seniority. Treating those dates as interchangeable invites avoidable litigation.

For counsel, the first task is to identify the exact statutory rules governing the occupational group. The judgment does not create a free-standing rule for every training course or every public organization. Its reasoning depends on the 1990 Rules and on an Office Memorandum found to be consistent with those rules.

Where an executive instruction is challenged as ultra vires, the correct comparison is clause by clause: does it contradict the parent rule, add a disqualification that the rule does not permit, or simply explain how an existing rule applies? The label Office Memorandum is not decisive either way.

Limits of the ruling

The decision does not hold that every interruption, deferment or delayed training automatically destroys original-batch seniority. Different consequences may follow where training is postponed for administrative reasons, illness, litigation, maternity, official duty or another circumstance addressed by a separate rule. The cause of delay and the text of the governing regime remain essential.

Nor does the judgment say that a civil servant has no enforceable interest in seniority. The officer is entitled to a lawful, non-arbitrary determination under the applicable statute and rules. What the judgment rejects is an asserted right to a particular batch position contrary to those rules.

The ruling also preserves the distinction between failing a prescribed examination, receiving unsatisfactory training assessments and facing disciplinary or Rule 10 action. Although the 1990 Rules and memorandum operated together in this case, each future dispute must be classified accurately on its own record.

Conclusion

Federation of Pakistan v Kamran Khan provides a direct Supreme Court answer to a recurring service-law question: a probationer who qualifies only after repeating the Common Training Programme takes seniority with the successful batch, not the original batch.

The decision is equally important for its method. It reads training, examination and seniority provisions as one statutory scheme; keeps pay fixation separate from inter se seniority; and confirms that an administrative memorandum may explain a rule without becoming an unlawful amendment to it.

This commentary is independent legal analysis for research and general information. The certified judgment, current statutory text, departmental instructions and the facts governing the particular occupational group should be verified before reliance in proceedings.