

Punjab Pension Claim Must Follow Service Tribunal Route: FCC Chamber Order

The Federal Constitutional Court upheld office objections to a direct constitutional pension petition, holding that retired Punjab employees must pursue the applicable service law remedies. It did not decide their pension entitlement.

Dr. Saghir Alam v Registrar, FCC | Federal Constitutional Court | 29 September 2026

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The decision in simple terms

The Federal Constitutional Court of Pakistan held that a group of retired Punjab Government employees could not bring their pension calculation dispute directly to the FCC as an original constitutional petition under Article 175E(3). Their claim required examination of service and pension rules, notifications, dates and individual qualifying service. They must pursue the available departmental remedies and the Punjab Service Tribunal, subject to the governing requirements.

Justice Syed Hasan Azhar Rizvi, sitting as Judge in Chambers, dismissed their appeal against the Registrar's office objections on 29 September 2026. The Court did not rule that their claim for an additional pension benefit was right or wrong. It expressly left the merits for the competent forum.

The case is Dr. Saghir Alam and others v Registrar, Federal Constitutional Court, Islamabad, Civil Miscellaneous Appeal No. 36/2026. The first page of the supplied order and the FCC's cause list identify No. 36/2026. The running headers on pages two to four instead print No. 34/2026. Readers should use the party names and first-page case number when locating the record and verify a certified copy if citing the order in proceedings.

What the pensioners claimed

The appellants said they had entered service before 2001 and each served for more than thirty years. According to them, their pensions were calculated by limiting qualifying service to thirty years, without an additional benefit of between 2% and 10% that they claimed for service beyond that period. They said many Punjab Government employees suffered a recurring reduction in pension.

They filed a constitutional petition under Article 175E(3), presenting the dispute as a question of public importance involving fundamental rights. The FCC Registrar returned the petition as not entertainable under the Court's rules. The appellants challenged that office action through a miscellaneous appeal under Order V, Rule 3 of the Federal Constitutional Court (Practice and Procedure) Rules, 2026.

The chamber appeal addressed whether the office objections should stand. It was not a full adjudication of the employees' pension calculations.

Why Article 212 mattered

The Court said the actual controversy concerned pension entitlements arising from the appellants' service. Deciding the asserted additional benefit would require identifying the applicable pension rules and notifications, when they took effect, the service counted for each appellant, and the legal basis of the claimed enhancement. More than thirty years of service alone did not establish the extra benefit without examining those provisions.

Article 212 of the Constitution provides for Administrative Courts or Tribunals with exclusive jurisdiction over specified matters concerning the terms and conditions of persons who are or have been in the service of Pakistan. Retirement did not, by itself, take a dispute about pension entitlements outside that service law framework. The chamber order directed the appellants toward the applicable departmental remedies and the Punjab Service Tribunal, subject to the conditions of the governing law.

The Court also rejected the idea that the number of affected pensioners changed the dispute's essential nature. A common grievance and recurring financial loss may be significant, but those circumstances did not independently give the FCC original jurisdiction. Describing a service claim as one involving fundamental rights did not remove the need to use the constitutionally assigned service forum.

Why Razia Aslam did not control the result

The appellants relied on *Razia Aslam v Registrar*, Federal Constitutional Court of Pakistan, Civil Miscellaneous Appeal No. 4/2026. The chamber order explained the distinction. *Razia Aslam* concerned an administrative order of the Lahore High Court rejecting a candidate's interview candidature, in circumstances where the Court considered that no alternative remedy was available. The order there addressed the Registrar's administrative screening of a constitutional petition.

Justice Rizvi acknowledged the important point that a Registrar cannot conclusively decide disputed questions of public importance or fundamental rights. But *Razia Aslam* had expressly left the maintainability of that petition under Article 175E(3) for the appropriate Bench. It did not hold that mentioning a fundamental right lets a litigant bypass an available remedy. The pensioners' claim had a separate service law route, so *Razia Aslam* did not overcome the office objections here.

This distinction matters in practice: the limits on a Registrar's administrative scrutiny do not themselves establish the FCC's jurisdiction over the underlying case.

Outcome and practical effect

The civil miscellaneous appeal was dismissed and the office objections were sustained. The appellants remained free to pursue remedies available under law, subject to maintainability and limitation. The Court made no order as to costs and said nothing in its order should prejudice a competent forum's determination of the pension claim.

For lawyers handling a retirement or pension dispute, the first step is to identify the employee's service status, the governing pension provisions, the date and effect of relevant notifications, and the departmental and tribunal remedies. A class-wide financial effect or repeated monthly loss should be pleaded where relevant, but neither fact alone supplies direct FCC jurisdiction. The specific benefit still has to be proved under the applicable rules.

The holding is about the proper forum in this case. It is not a finding that thirty years is an absolute pension cap, that a 2% to 10% enhancement exists for these appellants, or that every conceivable constitutional claim by a retired employee is excluded from the FCC.

Read the complete four-page chamber order below. This is independent legal analysis for general information; verify the certified record and later treatment before relying on it in litigation.