

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**

Constitutional Petition No. D-2106 of 2022

(Syed Mehboob Ali Shah v Federation of Pakistan & others)

Date	Order with signature of Judge(s)
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Before:

Mr. Justice Muhammad Karim Khan Agha

Mr. Justice Adnan-ul-Karim Memon

**Date of hearing and order 06.08.2025**

Mr. Muhammad Ramzan advocate for the petitioner.

Mr. Asghar Ali Khan advocate for Respondent No. 2 & 3

Mr. Dur Muhammad Shah, Deputy Attorney General.

**ORDER**

**Muhammad Karim Khan Agha, J:** Petitioner prayed that this

Court:

1. To declare the premature retirement of the petitioner is null and void in the eyes of the Law and has no legal authority vide Letter No. A&P-19/retirement-2021/CP&HR/P5556 dated 13.02.2019 reliving order A&P/336408/2021/CP&HR daed 02.02.2021
2. Direct the Respondent No. 2 (Pakistan Steel Mills) not to commit discrimination and consider the case of the petitioner as per other employees cases referred in Para No.6 of the petition.
3. To declare that the date of Birth of the Petitioner as per record of NADRA as well as own manual record of the Respondent No.2 i.e. 02.02.1966
4. To suspend the operation of Impugned Retirement Order No. A&P336408/2021/CP&HR daed 02.02.2021
5. To direct the respondent No. 2&3 to release the salaries of the petitioner continuously without any fail till the final retirement in the year 02.02.2026.

2. The petitioner claims his correct date of birth is February 2, 1966 as per his service record, and that PSM records mistakenly show it as February 2, 1961. He claims to have multiple documents (CNIC, passport, school certificate, etc.) to verify his 1966 birth date. He submits that this error led to his premature retirement on February 2, 2021, when he should have worked until at least February 2, 2026. He also points out that PSM has corrected the birth dates of other employees in similar situations, suggesting he is being treated unfairly.

3. The petitioner's counsel claims his client's real date of birth is February 2, 1966, not the February 2, 1961 date used by Pakistan Steel Mills (PSM). He argues that this error led to his premature retirement. The petitioner's counsel supports his claim with various documents and states that his age at the time of joining PSM aligns with the 1966 birth date. He also alleges discrimination, pointing out that PSM corrected the birth dates of other employees but refused to do the same for him. PSM, however,



maintains that their original record is correct and asserts that the petitioner's documents have been tampered with. He states that his documents, including his CNIC, passport, and school certificate, all show his date of birth as February 2, 1966. He says that when the petitioner joined PSM in 1984, his age was 18, which aligns with the 1966 birth date. He also argues that PSM has a policy of correcting an employee's birth date in their official record and has done so for other employees in the past, but unfairly denied his requests.

4. In essence, the petitioner is seeking to have his retirement date corrected based on what he claims is his true date of birth, while PSM is arguing that their original record is correct and that the petitioner's new documents are invalid, thus cannot be considered at belated stage. The petitioner is also submitting that he has been a victim of discrimination since other employees have had their birth dates corrected by PSM in the past.

5. PSM counsel denies these claims. He asserts that the petitioner's original joining documents listed his birth date as February 2, 1961, and that any later documents showing 1966 were tampered with. He states that the petitioner did not apply to correct his birth date until shortly before his retirement in 2021, and PMS was not obligated to accept the change after considerable period of time. He argues that the petitioner retired correctly after reaching the age of 60 and that, by accepting his pension, he has already agreed to his decision on the subject issue as such no further indulgence is required of this Court. PSM counsel also contends that this court is not the proper venue for this dispute to be resolved. He prayed for dismissal of the petition.

6. Learned DAG has adopted the arguments of respondent Nos. 2&3 and prayed for dismissal of the instant petition.

7. We have heard the counsel for the parties and perused the record with their assistance.

8. The petitioner, a former PSM employee hired in 1984, claims his correct birth date is February 2, 1966, not the February 2, 1961 date recorded by his employer. He supports this with documents like his CNIC, passport, and school certificate. He alleges that the company wrongfully ignored his requests to correct the date, which were made in 2015 and 2019.

9. In essence, the legal position of the case, unequivocally demonstrates that the date of birth was to be verified with reference to



documentary evidence and a certificate recorded to that effect stating the nature of the document relied upon but nothing is mentioned on record with regard to the documents produced and examined while extending the benefit of correction to enlarge the petitioner's length of service at the verge of his retirement vide application dated 19<sup>th</sup> October 2015 after closing to his retirement dated i.e 01.02.2021. Moreover, it is well settled that once an entry of age or date of birth has been made in a service book, no alteration of the entry should afterwards be allowed, unless it is known that the entry was due to want of care on the part of some person other than the individual in question or is an obvious clerical error. Furthermore, the instructions encompassed in the relevant Rule provide that Officers competent to alter dates of birth should note that no change in the date of birth will be allowed unless an application is made by the Government/public servant within two years of the date on which his service book was opened under relevant Rule. The most indispensable constituent is that, if an application is made after the period of two years, it should be submitted to the Government for orders and the change in the date of birth should not be allowed on the evidence which could be available to a Government/public servant within two years of the date on which his service book was opened under relevant Rules, which is not the case at hand as the petitioner applied for correction in the year 2015 and 2019, when his superannuation date was due on 01.02.2021. The most indispensable constituent is that if an application is made after the period of two years, it should be submitted to the Government for orders and the change in the date of birth should not be allowed on the evidence which could be available to a Government servant when he entered Government service and his date of birth was recorded in the service book. So in our considerate view, while extending any benefit to the public servant at the belated stage is not admissible, as correction much after two years, or at the verge of retirement, after a long period of service, with the originally entered date of birth was not possible in terms of latest decisions of the Supreme Court on the subject issue.

10. The Supreme Court in the recent judgment in the case of Manzar Zahoor v Lyari Development Authority (2022 SCMR 1305) has held that Federal law dictates that a government employee's date of birth, once recorded, cannot be changed unless there is a **clerical error**. New employees are required to declare their date of birth with supporting documents upon hiring. It is the employee's responsibility to ensure their service record is accurate, and they can review it at any time. The text explicitly states that there is no law requiring an employee to request a correction within a specific timeframe, such as two years, and any such



rule is "weird and alien" to the General Financial Rules of the Federal Government.

11. The Supreme Court has consistently ruled that a civil/public servant cannot change their date of birth, especially when they are nearing retirement. In the case of Ali Azhar Khan Baloch and others vs. Province of Sindh and others (2015 SCMR 456), the Supreme Court held that the mode of correction in the date of birth of a Civil Servant is provided under Rule 12A of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, which is part of the terms and conditions of service of a Civil Servant and cannot be resorted to through the Civil Suit. It has also been well established by now that a Civil Servant cannot seek alteration in his date of birth at the verge of his retirement or otherwise in a suit, and, in this respect, the principles laid down in the case of Dr. Muhammad Aslam Baloch v. Government of Balochistan (2014 SCMR 1723) are fully attracted. While in the case of Muhammad Khaliq Mandokhail. vs Government of Balochistan through Chief Secretary, Civil Secretariat Quetta and another (2021 SCMR 595), the Supreme Court, while relying on the dictum laid down in the case of Ali Azhar Khan Baloch (supra) held that a Civil Servant could not seek alteration in his date of birth at the verge of his retirement. It was further observed in the above case that the material produced and examined by the Tribunal suggested that the petitioner got changed his date of birth when he was at the verge of his retirement. Similarly, in the case of Inspector General of Police, Balochistan, Quetta and others vs. Mohibullah (2022 SCMR 9), the Supreme Court while reiterating the case of Muhammad Khaliq Mandokhail v. Government of Balochistan (2021 SCMR 595), Chief Secretary, Government of Balochistan v. Asmatullah Kakar (2020 SCMR 1678) and Muhammad Aslam Baloch v. Government of Balochistan (2014 SCMR 1723) held that the date of birth once written in the service record at the time of entering into service cannot be altered or changed and, in any case, it cannot be done after two years.

12. Given the legal precedents, changing the petitioner's date of birth so close to his retirement in the year 2021, when he received the pension, if granted, would be a violation of the law laid down by the Supreme Court. Therefore, the competent authority was correct in denying his request. The petition is dismissed along with pending application(s) if any.