

IN THE HIGH COURT OF SINDH KARACHI

Const. Petition No. S-1132 of 2024

Date	Order with signature(s) of Judge(s)
Disposed of Matter.	

- 1. For orders on Misc. No.24912/25 (Urgent Application)
- 2. For orders on Misc. No.24913/25 (Review Application)

19.12.2025.

Petitioner in person.

Mr. Irshad Ahmed, Assistant Attorney General.

ORDER

Nisar Ahmed Bhanbhro, J. Through the CMA No.24913/2025 the petitioner seeks review of the order dated 12.11.2025, through which the petition was dismissed. The Petition was decided by Division Bench comprising of (Mr. Justice Muhammad Karim Khan Agha & Myself). Since My Learned Senior Brother has been elevated as Judge of the Honorable Federal Constitutional Court of Pakistan, therefore, the review application was placed before worthy Chief Justice for appropriate orders through office note dated 13.12.2025. Worthy Chief Justice by exercising the powers conferred under Rule 3(a) Volume - V, Chapter 3, Part B of the High Court Rules and Orders has been pleased to accord permission for hearing of this review application by this Single Bench .

2. The petitioner in person contended that his case falls within the ambit of the judgments passed by Honorable Supreme Court of Pakistan in the case of Pakistan Defence Officers Housing Authority v. Mrs. Itrat Sajjad Khan and others (2017 SCMR 2010) and the unreported judgment dated 22.01.2020 passed by Learned Division Bench of this Court in Imran Ahmed Ansari v. Federation of Pakistan & others, wherein, under identical circumstances, it was held that the constitution Petition against Pakistan Defence Officers Housing Authority (DHA) was maintainable. He further argued that this Court in the case of Imran Ahmed Ansari and Honorable Supreme Court in the case of Itrat Sajjad by exercising powers of judicial review set aside the termination orders issued by

the DHA and the Petitioners /employees were reinstated in service. He argued that the present review petition is competent, as there is an error of law and fact in the order under review. He further contended that his services were terminated without issuance of any show-cause notice; that he had successfully completed his probation period and his service was liable to be confirmed. The termination was, therefore, in violation of the principles of natural justice and his right to a fair trial as guaranteed under Article 10-A of the Constitution of the Islamic Republic of Pakistan of 1973. He accordingly prayed that the Petition be allowed by reviewing the order dated 12.11.2025.

3. Heard arguments and perused the material available on record.

4. Petitioner has sought review of the order dated 12.11.2025 on the ground that while deciding his case the judgment passed by the Honorable Supreme Court in the case of Pakistan Defence Officers Housing Authority v. Mrs. Itrat Sajjad Khan and others (2017 SCMR 2010) and the unreported judgment dated 22.01.2020 passed by Learned Division Bench of this Court in the case of Imran Ahmed Ansari v. Federation of Pakistan & others were not considered as his case was covered under the dicta laid down in the above referred cases. The perusal of the order under review, revealed that this Court decided the petition, by considering the cases relied upon by the Petitioner and held that case of the Itrat Sajjad (Supra) was inapplicable to the case of Petitioner as in the said case employee was terminated from service without following a due process of law. In the case of the petitioner, he was a probationer and a probation report was forwarded to the competent authority for continuation of service, which was not accepted, and Petitioner was not confirmed in service. Petitioner was not terminated from service by invoking the provisions of Rule 8(b)(i) of the DHA Service Rules but his regularization in service was declined in terms of Rule 4(m) of DHA Employees Rules. Had it been the case, that the Petitioner was terminated from service by invoking Rule 8(b)(I) the *ratio decidendo* in the cases of **Mst. Itrat Sajjad Khan** and **Imran Ahmed Ansari (supra)** would have benefited the Petitioner. Since the case of the Petitioner was on different footing, therefore, it was held in the order under review that the Petitioner was a probationer therefore DHA/ employer was competent to dispense with services of Petitioner without holding any inquiry.

5. A petition for review is neither an appeal nor a revision petition to a superior court but rather agitation of grievance before the same court to

reconsider its decision on the limited grounds prescribed for review. The Court may review its judgment or order in a Civil Proceedings on grounds similar to those mentioned in Order XLVII, Rule 1 of the Code of Civil Procedure, 1908 and in a criminal proceeding on the ground of an error apparent on the face of the record. Since the petitioner seeks review of the order dated 12.11.2025 passed by this Court under its writ jurisdiction, therefore, the provisions of Code of Civil Procedure shall apply, which provides three grounds for review viz-a-viz the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within knowledge of the applicant or could not be produced by him at the time when the judgment was pronounced or order made; some mistake or error apparent on the face of the record; and any other sufficient reason.

6. It is settled proposition of law that to make out a case for review, the error, whether of fact or law, must be self-evident and readily discernible on the face of the record and should not require meticulous examination or detailed analysis to uncover new facts which includes the judgments passed on an erroneous assumption of material facts or by overlooking a material question of fact or law or an important aspect of the matter, which, if noticed and considered earlier, would have direct bearing on the conclusions reached by the Court.

7. Reliance in this regard is placed on the case of *The GOVERNMENT OF BALOCHISTAN, through Secretary Energy Department, Quetta and another Versus MUHAMMAD YASIR* reported as 2025 SCMR 367, wherein the Honorable Supreme Court held that:

Mere irregularities having no significant effect or impact on the outcome would not be sufficient to warrant the review of a judgment or order, however, if the anomaly or ambiguity is of such a nature so as to transform the course of action from being one in the aid of justice to a process of injustice, then obviously a review petition may be instituted for redressal to demonstrate the error, if found floating conspicuously on the surface of the record, but a desire of re-hearing of the matter cannot constitute a sufficient ground for the grant of review which, by its very nature, cannot be equated with the right or remedy of appeal. The clemency by dint of review is accorded to nip in the bud an irreversible injustice, if any, done by a Court, such as a misconstruction of law, a misreading of the evidence, or a non-consideration of pleas raised before a Court, which would amount to an error floating on the surface of the record, but where the Court has taken a conscious and deliberate decision on a point of fact or law,

a review petition will not be competent. Review, by its nature, is neither commensurate to a right of appeal or an opportunity of rehearing merely on the ground that one party or the other conceived himself to be dissatisfied with the decision of the court, nor can a judgment or order be reviewed merely because a different view could have been taken.

8. Moreover the Petitioner was an employee of DHA and there is no denial to the fact that the DHA had non-statutory rules of service. In absence of statutory rules of service the terms and conditions of service of the petitioner were governed under the principle of Master and Servant. Honorable Supreme Court of Pakistan in such like cases has laid down a unanimous principle of law that in the cases where the aggrieved employees cannot avail a remedy of filing service appeal before Tribunal or writ petition before this Court on account of a relationship in the nature of Master and Servant, the only course left to the aggrieved employees was to file a suit before Competent Civil Court for redress of the grievances as no other equally efficacious and adequate remedy was provided under the law. The reference in that regard can be made to the case of **PRESIDENT, ZARAI TARAQIATI BANK LIMITED, HEAD OFFICE, ISLAMABAD Vs KISHWAR KHAN and others** reported as **(2022 S C M R 1598)**, Tanweer-ur Rehman reported as **PLD 2010 SC 676**, PIAC v. Syed Suleman Alam Rizvi, reported as **2015 SCMR 1545**, Abdul Wahab and others v. HBL and others reported as **2013 SCMR 1383**, Pakistan Defence Officers' Housing Authority and others v. Lt. Col. Syed Jawaaid Ahmed reported as **2013 SCMR 1707** and Syed Nazir Gilani v. Pakistan Red Crescent Society and another reported as **2014 SCMR 982**. Since Honorable Supreme Court of Pakistan through the verdicts referred supra laid down a principle of law which has a binding effect in terms of article 189 of the Constitution even upon this Court to follow.

9. For the above reasons, it can be safely held that Petitioner has failed to point out any mistake of law or fact apparent on the face of record in the Order under Review. Consequently, the review application fails and is hereby dismissed in limine.

JUDGE

Approved for reporting