

IN THE HIGH COURT OF SINDH AT KARACHI

CONSTITUTION PETITION NO. D-987 OF 2026

(Syed Ali Raza Gillani Vs. P.O Sindh & others)

PRESENT:

Mr. Justice Muhammad Saleem Jessar

Mr. Justice Nisar Ahmed Bhanbhro

Petitioner Syed Ali Raza Gilani : through Syeda Zuha Ali,
Advocate

Respondent No.1-5 : through M/s. Hakim Ali Shaikh,
Addl. Advocate General Sindh and
Sagheer Ahmed Abbasi, Asstt. AG
alongwith DSP Legal Sajid Gujjar
DSP (Legal) TRO Muhammad Tufial
and DSP Traffic Malir Hameed Gabol

Date of Hg: & Judgment : 28.04.2026

ORDER

Nisar Ahmed Bhanbhro, J.- Through this petition, petitioner claims following relief(s):-

“A) To set aside the impugned retirement order dated 30.09.2025 and at the same time Respondents may also be directed to issue fresh retirement order in view of the Section 13 of CAS, 1973 with effect from 28.09.2025.

B) Respondents may also be directed, that since Petitioner has rendered services to the department till 28-09-2025 and salary has been paid to the Petitioner against the service, no recovery can be made from the Petitioner, Particularly after issuance of the retirement order in terms of the clause (A) of the prayer.

C) Respondents may also be directed that petitioner maybe considered for Proforma promotion from the date(s) when other

colleagues and juniors of the petitioner were promoted as DSP (BPS-17).

D) Respondents maybe restrained from recovering the salary from the pension of the petitioner for the period from 01-12-2024 to 28-09-2025 till the disposal of instant petition.

E) Any other relief(s), as this Honorable court deems appropriate in the facts and the circumstances of the case be granted to the petitioner."

2. Learned counsel for the petitioner contended that the date of birth of the petitioner was incorrectly recorded as 01.12.1964 at the time of induction in service in the year 1991, whereas on service card, CNIC, passport, monthly salary slip and NADRA Family Registration Certificate the date of birth of the Petitioner is recorded as 28.09.1965. She further contended that as per original date of birth, the petitioner ought to have retired on 28.09.2025, however he was retired from service on 30.11.2024. She next contended that due to incorrect date of birth, the petitioner was deprived of promotion to the rank of DSP. Learned counsel, therefor, prayed to allow the instant petition as prayed.

3. Learned Addl. AG since controverting the submission of learned counsel for the petitioner, contended that the petitioner was appointed in service in the year 1991 and throughout his carrier the date of birth was recorded as 01.12.1964 and in terms of Rule 12-A of Sindh Civil Servants (Appointment, Promotion & Transfer) Rules, 1974 (APT Rules) the entry once made in service record regarding date of birth cannot be changed/alterd subsequently. Hence, he prayed for dismissal of this petition.

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

5. The crux of controversy involved in the present petition was regarding the change of date of birth of Petitioner who was a civil servant and retired from service on attaining the age of superannuation as per the date of birth maintained in service record. Law on the change of date of birth of a Government Servant is quite settled and clear. To focus on the issue of change of date of birth, Rule 12 - A of the APT Rules is the relevant provision of law, which reads as under:

[12-A. The Date of Birth once recorded by a civil servant at the time of joining Government Service shall be final and no alteration thereafter shall be permissible.]

6. It is quite clear from the wording contained in the above Rule that there is no possibility or probability of alteration in date of birth once recorded at the time of joining service. The authority however may exercise its discretion to make correction of clerical mistakes in the service book. Civil Service Regulation 171 (C.S.R) being relevant is reproduced below: -

Combined Set of Sindh C.S.R. Vols. I and II (Revised Edition 2014)

171. In the service book every step in a Government servant's official life including temporary and officiating promotions of all kinds, increments and transfer, and leave of absence taken, should be regularly and concurrently recorded, each entry being duly verified with reference to departmental orders, pay bills, and leave statements, and attested by the head of the office. If the Government servant is himself the head of an office, the attestation should be made by his immediate superior, Officiating and temporary service and leave taken prior to first substantive appointment to a permanent post should also be recorded in the service book and duly attested after verification. The Date of Birth should be verified with reference to documentary evidence and a certificate recorded to that effect stating the nature of the document relied on:

Provided that in the case of inferior Government servants, if documentary evidence is not available, the age should be determined by the appointing authority with reference to the statement of respectable persons, medical opinion, etc., and any other evidence he may think proper to take.

In the case of a Government servant, the year of whose birth is known but not the date, the 1st July should be treated as the date of birth. When both the year and the month of birth are known, but not the exact date, the 16th of the month should be treated as the date of birth.

In the case of a Government servant who is only able to state his approximate age, and who appears to the attesting authority to be of that age, the date of birth should be assumed to be the corresponding date after deducting the number of years representing his age from his Page 6 of 12 C.P No. D-552 of 2024 date of appointment. When the date, month, and year of birth of a Government servant, are not known, and he is unable to state his approximate

age, or when the appointing authority does not accept the age stated by the Government servant, the age by appearance as stated in the medical certificate of fitness, in the form prescribed in Rule II should be taken as correct, he being assumed to have completed that age on the date the certificate is given, and his date of birth deduced accordingly.

When 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. Officers of a rank not lower than the Principal District Officer in the Department concerned may correct errors in the service book which are obviously clerical. Cases in which the correctness of the original entry is questioned on other grounds should be referred to a competent authority.

Finger prints of the Government servants should be recorded in the column headed "Personal marks of identification" in the service book itself. The impressions should not be taken on separate slips of paper and pasted to the service book.

Exception.-When a military employee is transferred to a civil department and assumes a civilian status or when a military employee discharged from the army without earning a pension is employed in a post in a civil department in which his military service counts towards pension, the date of birth to be entered in his service book or roll shall be either that entered by the Military authorities in his form of attestation when he first joined the army or, if at the time of attestation he stated only his approximate age the date arrived at by deducting the number of years representing his age from his date of attestation.

Note.- Cases in which prior to 28th September, 1938 the date of birth has been deducted by any other method, from the age at appointment or attestation, or cases in which Government have passed specific orders accepting a particular date of birth, need not be re-opened.

Instruction.-Officers competent to alter dates of birth should see that no change in the date of birth which will be to the advantage of the Government servant concerned is allowed unless an application in that behalf is made by the Government servant concerned within two years of the date on which his service book was opened under Sindh Civil Services Rule 167. All cases in which applications are made after the period of two years referred to above

should be submitted to Government for orders. The date of birth is to be verified with reference to documentary evidence and a certificate is to be recorded to that effect stating the nature of the document relied on as required under Rule 171. A change in the date of birth should not, therefore, be Page 7 of 12 C.P No. D-552 of 2024 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.

7. Nevertheless, Regulation 171 of C.S.R. is applicable with certain exceptions and certain principles were to be followed. This rule only provides for a change in the record containing clerical errors, thus was in consonance with Rule 12 - A of the APT Rules. Per Regulation 197 to 202 (C.S.R), it is the duty of every Government servant to ensure his Service Book is properly maintained. The Head of the Department is duty-bound to permit a Government servant to examine his Service Book at any time he wishes to do so. Under the C.S.R., the service record of the employees is scrutinized each year and inspecting officer puts his scrutiny note on the record, in presence of the employee. Petitioner remained in service for about 33 years until 2024, when endorsement as to his date of birth was made in the service book. Petitioner joined the service in year 1991, whereas he agitated his grievances for change in date of birth in the year 2025, when he was conveyed retirement, thus, keeping in view the facts and circumstances of the case, it is clear that the proceedings initiated by the petitioner seeking alteration in the date of birth were intended on the basis of extraneous considerations just to prolong his service period.

8. A bare perusal of the aforesaid Rules and Regulations makes it abundantly clear that the date of birth of a Government or civil servant once recorded at the time of joining of Government service as a general principle shall be final and would not be altered except (i) there is a clerical mistake (ii) the change is sought immediately placing on record the documents by specifically pleading the clerical error. The Service Rule as applicable in the province of Sindh narrowed down the scope for change of date of birth by stipulating that no alteration shall be permissible after the first entry in the service record.

9. The employer if at any stage finds that the employee with an intention to elongate his service has changed the date of birth, such an interpolation in the service record of the employee can be rectified by invoking the provisions of Civil Service Regulations. The perusal of the impugned order dated

30.09.2025 reflected that the Petitioner was conveyed retirement with effect from 30.11.2024 per his date of birth maintained in the service record.

10. It further transpires from the record that Petitioner had moved an application dated 12.04.2025 (available at page 161 of petition) seeking correction in date of birth. The Inspector General of Police, Sindh was pleased to constitute an inquiry committee to probe into the matter. The inquiry committee examined the record and found that the date of birth of Petitioner in matriculation certificate and in the Seniority List issued by the Department on yearly basis was recorded as 01.12.1964. The Petitioner was confronted with above documents, which he failed to dispel. The Inquiry committee in its report dated 23.06.2025 concluded that Petitioner's original date of birth was 01.12.1964.

11. The Petitioner on failure to get relief from department, filed Suit No 3195 of 2025 before the Court of Learned VII Senior Civil Judge Karachi (Re Syed Ali Raza Vs Board of Secondary Education Karachi and another), seeking correction of date of birth in matriculation certificate. Petitioner neither disclosed his service nor arrayed police department as party to the proceedings. The Suit of the Petitioner was decreed vide judgment and decree dated 30.10.2025. Learned Counsel for the Petitioner mounted her arguments for allowing this petition on the said ground of judgment and decree too. Per learned Counsel the issue of date of birth of Petitioner stood settled and became closed and past transaction. The contention of learned Counsel for the Petitioner was not correct, in fact the date of birth of a civil servant was governed under Rule 12 - A of APT Rules 1974 and fell within the terms and conditions of service, therefore, for the purpose of correction in date of birth of civil servant, the relevant forum was Service Tribunal but not the ordinary civil court. The judgment and decree passed by Civil Court thus had no consequences for the date of birth recorded in service record of the Petitioner.

12. The Petitioner has sought change in date of birth in service record, under writ jurisdiction of this Court. The claim of the Petitioner regarding his date of birth was denied by the Respondent department through documentary evidence in a fact finding inquiry. No illegality or irregularity was pointed out in the impugned order that may warrant interference of this Court to invoke powers under its extra - ordinary writ jurisdiction conferred under article 199 of the Constitution. As far the issue of recovery of excess payment is

concerned, the competent authority can make such order by invoking the provisions of Rule 1.8 of the West Pakistan Pension Rules 1963

13. Reliance in this regard is placed on the case of **Muhammad Khaliq Mandokhail V. Government of Balochistan and others** reported as 2021 S C M R 595 wherein the Honorable Supreme Court has held that:

“As we have noticed that the whole proceedings were carried out after the lapse of 22 years of active service, therefore, it can be safely held that the proceedings carried out by the petitioner were based upon an afterthought just to prolong the service tenure and it was nothing but an attempt to continue with the service on the basis of frivolous and tainted documents which speak volume in relation to its genuineness. This Court in a number of cases has discouraged change in the date of birth of a civil servant, which could be for the purpose of unduly enhancing the tenure of service in employment. In the case of Ali Azhar Khan Baloch v. Province of Sindh (2015 SCMR 456), it has been held by this Court that a civil servant could not seek alteration in his date of birth at the verge of his retirement. The material produced and examined by the Tribunal clearly suggests that the petitioner got changed his date of birth when he was at the verge of his retirement.”

14. For what has been discussed herein above, we are of the considered view that Petitioner has failed to make out a case for indulgence of this Court under its writ jurisdiction. Consequently this Petition fails and accordingly dismissed with no order as to the cost along with listed applications, if any.

J U D G E

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HEAD OF CONST. BENCHES

Approved for Reporting.