

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

CP No.D-2700 of 2025

(Abdul Khaliq Panhiyar v The Secretary Board of Investment & others)

DATE

ORDER WITH SIGNATURE OF JUDGE

Before:-

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Zulfiqar Ali Sangi

Date of hearing and order:- 19.02.2026

Mr. Jahangir Kalhoro, Advocate for the Petitioner a/w petitioner.
Ms. Wajiha Mehdi, Assistant Attorney General a/w Aftab Ahmed,
Director, BOI.

ORDER

Adnan-ul-Karim Memon, J.- Petitioner Abdul Khaliq Panhiyar has prayed as under-

1. To direct the Respondent Nos. 1 and 2 to allow me to withdraw my personal GP Fund advance of Rs. 184,849 and House Hiring from 01.07.2025 to 31.3.2026, Rs. 323,082 from the available Budget in the Hiring Head of Rs. 335, 843. In the Light of Articles 25, 27, and 37 of the Constitution of the Islamic Republic of Pakistan 1973.

2. To direct the Respondent No.1 to direct the respondents No.2 and 3 to follow the Government rules in letter and spirit and avoid the misuse of the authority which comes under the NAB Ordinance 1999 in the light of 25, 27, and 37 of the Constitution of the Islamic Republic of Pakistan 1973.

2. Learned counsel for the Petitioner submits that the Petitioner had moved applications dated 20.05.2025 and 21.05.2025, seeking a House Hiring facility for the period from 01.07.2025 to 31.03.2026 from the available budget under the head of rent for residential building. However, despite the availability of sufficient funds, the said request was declined by the Director, BOI Karachi, and Director General (Admin), Islamabad, without assigning any lawful justification, while similarly placed officers were granted the facility. He added that the Petitioner further applied on 29.05.2025 for withdrawal of Personal GP Fund advance for repair of his residential house at District Khairpur Mirs, which was also refused without reason. It is contended that such actions are discriminatory, malicious, and violative of Articles 25, 27, and 37 of the Constitution of the Islamic Republic of Pakistan, 1973, depriving the Petitioner of his lawful entitlements under the service rules. He prayed to allow the petition.

3. Conversely, the learned Assistant Attorney General (AAG) raised a preliminary objection regarding maintainability of the instant petition, submitting

that the Petitioner had himself applied for voluntary retirement and leave encashment in September 2024, which was subsequently accepted by the Competent Authority vide Notification dated 04.08.2025 in accordance with the Finance Division O.M. dated 16.04.2024. It is contended that upon acceptance, such a request attains finality and thereafter cannot be withdrawn or modified. It is further submitted that the Petitioner's service record reflects prior instances of misconduct, disciplinary proceedings, and adverse remarks in PERs, and that all administrative actions, including postings and approvals, were made strictly in accordance with applicable rules. The learned DAG lastly argued that the impugned notification merely reflects lawful acceptance of the Petitioner's own request for voluntary retirement and does not amount to termination from service, and that the Petitioner has an adequate alternate remedy under service law, which has not been availed; therefore, the petition is liable to be dismissed as not maintainable.

4. In the wake of the above submissions and after hearing the learned counsel for the parties, it is an admitted position that the controversy in the instant petition revolves around the denial of the House Hiring facility and withdrawal of the Personal GP Fund advance to the Petitioner during the subsistence of his service. The Respondents, however, have primarily resisted the claim on the premise that the Petitioner had applied for voluntary retirement, which was subsequently accepted by the Competent Authority vide Notification dated 04.08.2025.

5. At the same time, it is equally borne out from the record that in earlier proceedings relating to the same Petitioner, the said Notification dated 04.08.2025 was called into question on the ground that the request for voluntary retirement had already been withdrawn before its acceptance, and consequently, the matter was remitted to the Competent Authority of the Respondents with a direction to reconsider the issue after providing an opportunity of hearing to the Petitioner. In pursuance thereof, the status of the Petitioner's retirement from service is yet to attain finality and remains subject to determination by the Competent Authority in accordance with law.

6. In such circumstances, any administrative decision affecting the Petitioner's service benefits, including grant of House Hiring facility or withdrawal of GP Fund advance, cannot be examined in isolation of the said foundational issue.

7. The question whether the Petitioner continued to remain in service during the relevant period directly impinges upon his entitlement to the reliefs sought in the present petition, which necessarily requires determination at the departmental level in the first instance.

8. Therefore, without adverting to the merits of the respective claims of the parties, this petition is disposed of with the direction to the Competent Authority of

Respondent Nos. 1 to 3, to reconsider the Petitioner's claims regarding House Hiring facility for the period from 01.07.2025 to 31.03.2026 and withdrawal of Personal GP Fund advance strictly in accordance with the applicable rules and policy, subject to the outcome of the proceedings of the Petitioner's purported voluntary retirement.

9. The Competent Authority shall also examine the Petitioner's grievance of discriminatory treatment vis-à-vis similarly placed officers in the light of Articles 25, 27 and 37 of the Constitution of the Islamic Republic of Pakistan, 1973, and pass a reasoned and speaking order after affording a meaningful opportunity of hearing to all concerned, including the Petitioner.

10. The aforesaid exercise shall be undertaken independently, on its own merits, without being influenced by any tentative observations made herein or in earlier proceedings, within a period of one month from the date of receipt of this order.

11. The petition, along with pending application(s), stands disposed of in the above terms.

JUDGE

JUDGE

