

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
**CP No. D-3943 of 2025**

(Abdul Khaliq Panhiyar v Federation of Pakistan & 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 in CP.

No. D-3943 of 2025 prayed as follows:

- 1. Declare Notification No.3(123)-HR/2009 04.08.2025 illegal, void ab initio, and without Jurisdiction.*
- 2. Direct Respondent No.1 to withdraw the Notification and restore the Petitioner to active service.*
- 3. Restrain Respondents from acting upon the Notification or filling the post.*

2. The Petitioner served as Deputy Director in the Board of Investment (BOI), challenged the Notification No. 3(123)-HR/2009 dated 04.08.2025, whereby he was allowed voluntary retirement from service with immediate effect. For convenience's sake, the notification is reproduced as under: -

**“Notification**

*No.3(123)-HR/209:- On completion of more than 30 years qualifying service for pension and in exercise of his option for voluntary retirement Mr. Abdul Khaliq, Deputy Director (BS-18), Board of Investment, Karachi is allowed voluntary retirement from Government service with immediate effect subject to the condition that no Government dues are outstanding against the officer.*

*This issue with the approval of Secretary Board of Investment*

*(M. Inam-ul-Haq)*  
*Assistant Director (HR)”*

3. Learned counsel for the Petitioner submitted that he joined BOI through the Federal Public Service Commission (FPSC) as Public Relations Officer (PRO) in BPS-16 and in September 2024, he applied for voluntary retirement due to professional distress; however, before any approval by the competent authority, he withdrew the said application in October 2024, which was duly acknowledged by the

Respondents vide minutes of the meeting dated 28.2.2025 and even such application was forwarded to the competent authority via TCS.

*“On 27th February 2025, the file was reviewed by Lal Dino, Director Admin/HR, and forwarded to Assistant Director (HR-I), Atif Naer, on 28th February 2025. The undersigned contacted Mr. Abdul Khalique, DD, Bol Karachi, who informed that he needs some funds for a motor car advance. AGPR Karachi has confirmed that the funds are available. He also stated that since he served in the Pakistan Air Force from 1995 to 2009, his pension contribution case will take time to finalize, and therefore, he has decided not to retire at this stage. The file was resubmitted on 6th March 2025 by Muhammad Inam Ul Haq, Assistant Director HR-II, for approval of para 14/N. The Director Admin/HR advised that the matter should proceed as per the rules.”*

4. Learned counsel strongly relied upon the application dated 31.10.2024, which was duly received by the Respondents as verified through the TCS tracking report. He submitted that after the said withdrawal application, the Petitioner continued to perform his duties in active service, as demonstrated by the approval and processing of his Motor Car Advance during the period from February to March 2025. Despite this, the Respondents issued the impugned Notification dated 04.08.2025, treating the Petitioner as having retired from service. It was contended that the impugned Notification is illegal, mala fide, without lawful authority, and violative of Articles 4, 9, 14, 18, and 25 of the Constitution. Learned counsel argued that a mere submission of an application or notice for voluntary retirement does not ipso facto terminate service unless and until it is accepted by the competent authority. He maintained that retirement on request becomes effective only from the date of its acceptance and not from the date of submission of the application. He further submitted that under the Federal Government Service Rules, voluntary retirement takes effect from the date of acceptance by the competent authority. A request for voluntary retirement can validly be withdrawn at any time before its acceptance, and such withdrawal does not automatically sever the master–servant relationship. According to him, once the withdrawal is made before acceptance, the status quo ante is restored, the retirement proceedings lapse, and the civil servant continues in service uninterrupted, as if no such request had ever been made.

5. The learned DAG questioned the maintainability of the instant petition, submitting that the Petitioner had voluntarily applied for voluntary retirement and leave encashment in September 2024. She contended that, in terms of the Finance Division’s O.M. dated 16.04.2024, such applications, once accepted and acted upon, attain finality and cannot thereafter be modified or withdrawn. Notification No. 3(123)-HR/2009 dated 04.08.2025, she argued, was lawfully issued with the approval of the Competent Authority/Secretary, BOI, rendering the allegations of mala fide unfounded. It was further submitted that the Petitioner’s service record reflects instances of misconduct and indiscipline, and that subsequent postings were made on administrative grounds in accordance with the applicable rules. His repeated requests for deputation to other departments, she argued, contradict his

claim of professional distress or a hostile work environment. Administrative actions, such as approval of Motor Car Advance, cannot override statutory provisions governing voluntary retirement, and the impugned Notification merely reflects lawful acceptance of the Petitioner's own request rather than termination from service. The learned DAG maintained that the petition is misconceived, as adequate remedies under service law were available but not availed. Upon acceptance of the Petitioner's request for voluntary retirement after completion of more than thirty years of qualifying service, all consequential post-retirement benefits stood vested in him. The subsequent sanction of rent for the grace period, in accordance with the Ministry of Housing & Works O.M. dated 28.09.2021, further affirms the legality and finality of his retirement. It was also contended that any application for withdrawal of voluntary retirement must be made before its acceptance and supported by evidence. In the present case, no such withdrawal was received before its acceptance. Consequently, upon issuance of the formal notification and sanction of post-retirement benefits, the employer became functus officio, the master servant relationship stood severed, and the retirement attained finality, which cannot now be rescinded. The learned DAG, therefore, prayed for dismissal of the petition.

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

7. The core issue in this petition is whether the Petitioner, having submitted a voluntary retirement application in September 2024 and subsequently withdrawn it in October 2024, as duly acknowledged by the Respondents in the minutes, could lawfully continue in service, and whether the Respondents could issue Notification No. 3(123)-HR/2009 dated 04.08.2025, treating him as retired.

8. During the hearing, we have been informed by the petitioner, in terms of the previous order passed by this court, that he had withdrawn his request for voluntary retirement on 31.10.2024, before any acceptance by the competent authority. It is urged that the withdrawal was duly received and acknowledged by the Respondents, and the Petitioner continued to discharge his official duties thereafter, which conduct was also recognized by the Respondents through subsequent administrative actions. However, such a stance has been refuted by the DAG.

9. In law, once the offer of voluntary retirement stood withdrawn before its acceptance, the original request ceased to exist, and any purported acceptance thereafter became legally ineffective. The master and servant relationship, therefore, continued uninterrupted. However, we cannot give a definite opinion at the present stage, and we leave it to the competent authority to take a decision on the application of the petitioner, which he claims to have duly received by the respondents.

10. Accordingly, the issuance of Notification No. 3(123)-HR/2009 dated 04.08.2025, treating the Petitioner as retired from service, was without justiciable reasons, having been founded upon a non-existent and withdrawn request. The impugned Notification is thus liable to be recalled by the respondents and who shall, after hearing the parties, decide in accordance with the law.

11. Consequently, the petition is disposed of along with pending application(s) with the direction to the competent authority of the Respondents to withdraw the aforesaid Notification and to reconsider the matter strictly in accordance with law, after affording a meaningful opportunity of hearing to all concerned, including the Petitioner. The authority shall decide the matter independently, on its own merits, without being influenced by any tentative observations made herein. The aforesaid exercise shall be undertaken within one month from the date of receipt of this order.

JUDGE

JUDGE