

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No. D-5819 of 2016
[Abdul Karim v. Province of Sindh and others]

Date	Order with signature of Judge(s)
------	----------------------------------

Before:
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Zulfiqar Ali Sangi

Date of hearing and Order: 23.04.2026

M/s. Agha Ali Khan Durrani and Manzoor Hussain
advocates for the petitioner
Syed Ashfaq Hussain Rizvi advocate for the Respondent
Mr. Abdul Jalil Zubedi, AAG
Ms. Wajiha Mehdi, Assistant Attorney General

ORDER

Adnan-ul-Karim Memon, J. – The petitioner, was employed as a Naib Qasid with the respondent–Trading Corporation of Pakistan and raised a dispute regarding his date of birth. Initially, he filed Civil Suit No. 76 of 2008, which was dismissed by the learned Civil Court, and the dismissal was upheld in appeal on 25.07.2009. Subsequently, he filed a grievance petition before the Labour Court, which was also dismissed. However, on appeal, the Labour Appellate Tribunal allowed the claim and directed his reinstatement with back benefits till 09.03.2016. The respondent challenged the said order before this Court through CP No. D-1715 of 2014, which was disposed of on 10.03.2016 by setting aside the Tribunal’s judgment and remanding the matter for fresh decision, while directing that the deposited amount remain with the Nazir. Upon remand, the Labour Appellate Tribunal, vide judgment dated 09.06.2016, dismissed the appeal, holding that the claim regarding change of date of birth was time-barred and devoid of merit, in line with settled law discouraging such claims at the fag end of service. Aggrieved, the petitioner filed the present petition, contending that the Tribunal’s judgment suffers from misreading and non-reading of evidence, and that his actual date of birth is 28.11.1956 as reflected in his educational and service record. He seeks reinstatement with back benefits. Conversely, learned counsel for the respondent supported the impugned judgment and prayed for dismissal of the petition. After hearing the parties and examining the record, the Court identified the core issues, namely, whether the earlier civil proceedings regarding date of birth having attained finality could be reopened in constitutional jurisdiction, whether the judgment of the Labour Appellate Tribunal calls for interference, and what is the correct date of birth of the petitioner. In order to resolve the controversy, this Court directed issuance of notice to NADRA to submit a comprehensive report regarding the petitioner’s date of birth, with directions to the office to transmit the relevant record for compliance.

2. In compliance with the directions of this Court dated 07.02.2022, a report has been submitted on behalf of NADRA with the narration that according to the available online record, Mr. Abdul Kareem obtained his first Computerized National Identity Card (CNIC) bearing No. 42000-0440209-9 on the basis of his earlier Manual National Identity Card (MNIC) No. 770-56-022472. The record reflects that his date of birth is recorded as the year 1956. It is further noted that the central digits of the old MNIC itself indicate the same year of birth, i.e., 1956. A copy of the online record has been annexed for reference. It is also reported that the old MNIC was originally issued from Gilgit-Baltistan rather than Karachi, and as such, the corresponding manual record is presently not traceable.

3. Learned counsel for the petitioner heavily relied upon the report submitted by the NADRA in compliance with the final disposal order passed by this Court on 7.2.2022 and submitted that NADRA has verified that petitioner obtained his first Computerized National Identity Card (CNIC) bearing No. 42000-0440209-9 on the basis of his earlier Manual National Identity Card MNIC No. 770-56-022472. Per learned counsel NADRA reported that petitioner's date of birth was/is recorded as the year 1956. It is further reported that the central digits of the old MNIC itself indicated the same year of birth, i.e., 1956. It is also reported that the old MNIC was originally issued from Gilgit-Baltistan rather than Karachi, and as such, the corresponding manual record is presently not traceable.

4. Conversely, the respondent-Trading Corporation of Pakistan submits that the petitioner has repeatedly litigated the same issue before multiple forums, including the Civil Court, Appellate Court, Labour Court, and SLAT, all of which except one earlier remanded order have consistently decided against him. It is argued that the civil suit regarding date of birth was dismissed and attained finality, and the subsequent labour proceedings were also barred by limitation. The respondent emphasizes that the petitioner declared his age as 28 years at the time of appointment in 1976, which forms the basis of his recorded date of birth, and under settled law such declaration is final. The respondent's counsel further contends that the petitioner concealed earlier proceedings while initiating labour litigation and that the claim for correction of date of birth was raised at the fag end of service, which is strongly discouraged by superior courts. It is also argued that the NADRA record is unreliable, as it is based on untraceable manual records, and cannot override judicial findings of multiple competent forums. Lastly, the respondent maintains that the constitutional petition is not maintainable, as it seeks reappraisal of evidence and reopening of concluded issues, which is beyond the scope of constitutional jurisdiction, and prays for dismissal of the petition along with release of the deposited amount.

5. After hearing learned counsel for the parties, examining the record, and considering the earlier round of litigation, this Court finds that the petition is devoid of merit for multiple, independent reasons.

6. At the outset, it is an admitted position that the petitioner had earlier availed the remedy of civil suit seeking declaration regarding his date of birth, which was dismissed by the competent Civil Court and the said dismissal was upheld in appeal. The said findings, having attained finality, cannot be reopened in constitutional jurisdiction. It is a settled principle that issues finally determined by competent courts cannot be re-agitated through subsequent proceedings, including under Article 199 of the Constitution. It is well settled that finality attached to earlier judgments cannot be disturbed through collateral proceedings. Further the petitioner's claim for correction of date of birth was raised at a highly belated stage, after decades of service. The law is now well settled that such claims at the fag end of service are not to be entertained, as they disturb settled rights and service structure. Once the date of birth recorded at the time of appointment carries presumptive finality and cannot be altered on the basis of subsequent claims, however, the petitioner himself declared his age as 28 years at the time of his appointment in 1976, which formed the basis of his service record. Such declaration constitutes an admission and creates an estoppel against the petitioner from asserting a contrary position at a later stage. This principle has consistently been upheld in service jurisprudence. Besides, the findings of the Labour Court and the Labour Appellate Tribunal, particularly after remand by this Court, are concurrent on material aspects, including limitation and lack of merit. It is settled law that constitutional jurisdiction is not meant for reappraisal of evidence or substitution of findings of fact unless the same are shown to be perverse, arbitrary, or suffering from jurisdictional defect. No such illegality has been demonstrated in the present case.

7. As regards the reliance placed by the petitioner on the NADRA report, the same does not advance his case. The report merely reflects that the petitioner's CNIC records the year of birth as 1956, which itself is based on an earlier MNIC. However, the foundational manual record is admittedly untraceable, and therefore, the evidentiary value of such record remains weak. More importantly, such administrative record cannot override or displace judicial findings rendered by competent courts after full trial. At best, the NADRA report is corroborative in nature, but it cannot reopen concluded litigation or invalidate findings which have attained finality.

8. The present petition essentially seeks re-examination of factual controversies already adjudicated upon by multiple forums, which is impermissible in constitutional jurisdiction. The scope of interference under

Article 199 is limited to jurisdictional errors and patent illegality, none of which is made out in the present case.

9. For the foregoing reasons, this Court holds that the petitioner has failed to establish any illegality or infirmity in the impugned judgment of the Labour Appellate Tribunal more particularly after receiving the report from NADRA, in terms of order dated 07.02.2022 no further action in favour of the petitioner is required as the report is clear in its terms as the petition was already been disposed of vide order dated 07.02.2022. All pending application(s) if any except the application moved by the respondent for seeking release of the amount deposited with the Nazir in terms of earlier orders passed by this Court in C.P. No.D-1715 of 2014. Office is directed to take necessary steps.

JUDGE

JUDGE

Shafi