

ORDER SHEET  
**IN THE HIGH COURT OF SINDH, KARACHI**  
SUIT NO. 616 / 2024

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Date

Order with signature of Judge

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For hearing of CMA No. 8469/2024.

**20.06.2024.**

Mr. Talha Abbasi, Advocate for Plaintiff.

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None present for the Defendants despite being served. No further notice required on this application.

Through listed application (CMA No. 8469/2024) the Plaintiff has sought an injunctive order seeking suspension of his retirement order / notification dated 28.2.2024, through which he stands retired from 28.5.2024. On, 27.5.2024 an ad-interim order has been passed, whereby, the Retirement Order dated 28.02.2024 has been suspended just one day before his retirement. When confronted as to how such an order could be passed by the Court at the verge of Plaintiff's retirement and learned Counsel submits that the actual date of birth of the Plaintiff is 29.05.1967 instead of 29.05.1964 and in support thereof he has relied upon a Salary Slip of July, 2016. According to him, suddenly, in February 2024 the date of birth of the Plaintiff has been changed to 29.5.1964 on the salary slip and therefore, the impugned action of the Defendants cannot be sustained.

I have heard the Plaintiff's Counsel and perused the record. Admittedly, the Plaintiff was in knowledge about any change of his date of birth as alleged in February 2024, whereas, despite repeatedly asked, the Plaintiff's Counsel has not been able to produce any Salary Slip between the period of July, 2016 and January, 2024 to justify its claim that it was only in February 2024 that the Plaintiff came to know about the change in his date of birth. Per settled law, any change in the date of birth can only be done within the first two years of employment and not thereafter. In the instant matter, the Plaintiff has kept silent since long and only on 27.05.2024 when he was about to retire on the next day, instant Suit has been filed and an ad-interim order has been obtained. Record further reflects that Plaintiff was appointed as an Assistant in B-14 on 22.04.1986 and if his date of birth is accepted as 29.05.1967, then he was only 19

years of age at the time of his appointment, whereas, his service book shows that he has a degree of Master of Arts. At 19 years of age, obtaining a Master's degree, if not an impossibility, is at least an exception which requires leading of convincing evidence; hence, at this injunctive stage; no prima facie case for indulgence is made out.

Notwithstanding the above, Hon'ble Supreme Court as well as High Courts have consistently deprecated such conduct on the part of employees of the Government Departments to seek change in Date of Birth with a specific motive of extension in service. It has been held that generally employees, when they are about to retire, suddenly realize that their Date of Birth is incorrectly recorded in the service book / salary slip and make efforts to have it changed. Such act of the employees has not been approved; rather has been deprecated, whereas, if it is a case of a civil servant, now even the law prohibits such correction in terms of Rule 12-A of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973, as the same can only be done within two years of joining service and not beyond that. In support reliance may be placed on the cases reported as ***Khalil Ahmed Siddiqui Vs. Pakistan through Secretary Interior Division, Government of Pakistan and 05 others (2003 PLC (CS) 696; Ahmed Khan Dehpal Vs. Government of Balochistan and others (2013 SCMR 759) and Federal Board of Intermediate vs. Abeer Masood (2020 SCMR 316)***

Accordingly, the listed application does not merit any consideration as neither a prima facie case is made out; nor balance of convenience lies in favour of the Plaintiff, whereas, no case for any irreparable loss has been made out, and therefore, the same is hereby dismissed.

**J U D G E**

Arshad/