FEDERAL CONSTITUTIONAL COURT OF PAKISTAN
(Original/Appellate/Advisory Jurisdiction)

PRESENT:
Justice Ali Baqar Najafi
Justice Rozi Khan Barrech
Justice Syed Arshad Hussain Shah

F.C.R.P. No. 21 of 2026
[For review of the judgment dated 06.01.2026 passed in FCPLA No.265 of 2025]

National Bank of Pakistan and others .... Petitioner (s)

Versus

Nisar Ahmad .... Respondent (s)

For the Petitioner (s) : Mr. Abid S. Zuberi, ASC
Syed Rifaqat Hussain Shah, AOR

For the Respondent(s) : Mr. Waqas Qayyum, ASC

Date of Hearing : 11.11.2026

JUDGMENT

Ali Baqar Najafi, J.- Through this petition under Article 175G of the Constitution of the Islamic Republic of Pakistan, 1973, the petitioners seek review of the judgment dated 06.01.2026 dismissing the F.C.P.L.A No.265 of 2025.

2. **After hearing the learned counsel for the parties,** it is straightaway observed that the only argument raised before this court is that the promotion policy dated 28.10.2016 stipulated 38 marks as legibility criteria for interview but when the respondent was called for interview on 16.11.2017 the policy was already amended on 27.10.2017, whereby the criteria for interview was reduced to 20, and the petitioner's score was 26, making him fully eligible for the interview. Para 14.12 (iv) is reproduced as under:-

"14.12. The Board, after thorough deliberation and detailed discussion, approved recommendations of Board HR & R Committee for amendment in Promotion Policy, by passing the following resolution:

RESOLVED THAT the proposal contained in HRM Group's Agenda Paper No.192/17 dated 26.10.2017 regarding amendment in Promotion Policy, as mentioned below, duly recommended by Board HR & R Committee, in its 148th meeting held on 25.10.2017, be and is hereby approved to promote merit culture:

i) .....
ii) .....
iii) .....
iv) *Eligibility Criteria for interview of promotion from OG-I to AVP, AVP to VP, VP to SVP, SVP to EVP and EVP to SEVP to be amended as follows:*

- *Minimum 3 years Service in the grade*
- *Minimum Educational Qualification; Graduation*
- *PASS score 20 and above to become eligible for interview*
- *Annual Appraisal score for last three years, not to be less than 18 with performance not below 'Good' during last year*
- *No listed punishment awarded during last year*

v) .....
vi) .....
vii) .....
viii) ....."

This amended portion of policy was already applied retrospectively to all interviews already conducted under the un-amended policy. Besides, this view had been adopted by the High Court on 07.11.2018 when W.P.No.415-A/2018 titled "National Bank of Pakistan Vs. Muhammad Saleem Anwar" was decided upheld by the Supreme Court on 17.05.2022 in C.P.No.1761 of 2019 etc. As far as the argument that Saleem Anwar's judgment was *per-incuriam* and should not have been followed, we are not impressed as the view does not appear to be erroneous. Para 5 of the order is reproduced as under:-

"We have examined the record and the impugned judgment and find no grounds for interference as admittedly, the case of the Respondents was considered under the Promotion Policy of 2016 where the Respondents were called for interview as per the said Policy. However, on 30.11.2017, the new Promotion Policy of 2017 was announced and the cases of the Respondents were rejected under the said Policy. The contention of the Respondents that their cases were finalized under the Promotion Policy of 2016 is evident from the mark sheet relied upon and the fact that they were called for interview under the Promotion Policy of 2016 on 21.08.2016 and 16.11.2017. The basic dispute is with respect to the marks of the interviews. From the record, it is evident that the Petitioners cases were duly considered under the Promotion Policy of 2016 and the total number of marks awarded under the said Policy included the marks for the interview. The Promotion Policy of 2017 enhanced the marks of interview and also changed the passing mark criteria. The Petitioners applied the new standards given in the Promotion

> *Policy of 2017 notwithstanding the fact that marks were awarded under the Promotion Policy of 2016. Hence, the impugned judgment has held in favour of the Respondents concluding that their cases be finalized under the Promotion Policy of 2016."*

A review C.R.P.No.421 of 2003 was dismissed on 31.07.2025. Even on 03.12.2024 the implementation of the order in its entirely was made before the High Court.

3. In this view of the matter, this review petition is **dismissed**.

JUDGE

JUDGE

Islamabad
11.11.2026
NOT APPROVED FOR REPORTING
A.Qadoos*

JUDGE