



**FEDERAL CONSTITUTIONAL COURT  
OF PAKISTAN**

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Islamabad, the 21<sup>st</sup> May, 2026

**FEDERAL CONSTITUTIONAL COURT SAFEGUARDS SENIORITY RIGHTS OF  
REGULAR GOVERNMENT EMPLOYEES**

The Federal Constitutional Court of Pakistan has delivered a significant judgment reinforcing the constitutional protection of regularly recruited public servants and restraining arbitrary administrative actions affecting seniority in public sector institutions. The Court has categorically held that contractual service cannot be retrospectively regularized in a manner that prejudices or overrides the vested seniority rights of permanently appointed employees.

The judgment was rendered by a two-member Bench comprising Justice Syed Hasan Azhar Rizvi and Justice Muhammad Karim Khan Agha. The matter had been reserved on March 26, 2026, following detailed proceedings, and the detailed judgment was subsequently announced at Karachi. The opinion of the Court was authored by Justice Syed Hasan Azhar Rizvi.

Allowing the appeal filed by Muhammad Qutub-ud-Din and other regularly appointed officers in relation to a seniority dispute, the Court declared unlawful the impugned judgment of the Sindh High Court as well as the disputed executive orders issued by the Sindh Employees' Social Security Institution (SESSI). The Court directed SESSI to issue a fresh and lawful seniority list within sixty days, placing the appellants above the private respondent in accordance with law.

In its judgment, the Court unequivocally observed that an employee serving on a contractual basis remains outside the regular cadre until lawful regularization and, therefore, does not acquire any vested right to claim backdated seniority from the date of contractual induction. The Court emphasized that seniority rights accrued by regularly inducted employees through prescribed competitive and codal procedures constitute vested legal rights that cannot be disturbed indirectly through administrative mechanisms, committee recommendations, or retrospective executive actions.

The Court further clarified that constitutional jurisdiction under Article 199 of the Constitution is fully maintainable against statutory bodies performing public functions where their administrative actions are arbitrary, discriminatory, or contrary to their own service regulations, irrespective of whether such regulations are statutory or non-statutory in character. Rejecting the contention that such matters fall exclusively within the domain of the traditional "master and servant" doctrine, the Court reaffirmed the constitutional obligation of public institutions to act fairly, lawfully, and within the bounds of their governing framework.

Addressing the issue of alternate remedies, the Court held that the principle requiring exhaustion of departmental or administrative remedies before invoking constitutional jurisdiction is not an inflexible statutory prohibition, but rather a rule of judicial prudence, policy, and convenience, which cannot bar

constitutional intervention in cases involving manifest illegality or arbitrary exercise of authority.

On the interpretation of Regulation 9(3) of the SESSI Service Regulations, 2006, the Court held that the provision admits only one plain and lawful interpretation: seniority must be reckoned strictly from the date of regular appointment and not from any prior contractual tenure.

The judgment also drew a clear legal distinction between an initial contractual engagement and a regular appointment made against a sanctioned post upon completion of all codal formalities. The Court observed that contractual appointments are inherently tenure-based arrangements and cannot subsequently be used to retrospectively displace regularly inducted officers from their lawful seniority positions.

According to the facts recorded in the judgment, the private respondent, Nadir Hussain Kanasro, had initially joined SESSI on a contractual basis in September 2002, whereas the appellants entered service through regular permanent appointments in 2004. The respondent's services were regularized prospectively in 2007, which arrangement remained unquestioned for approximately six years until a representation was submitted in 2013 seeking retrospective regularization from the date of contractual induction. Acting upon departmental recommendations, retrospective benefits were extended, adversely affecting the seniority of the regularly appointed officers.

The Federal Constitutional Court held that permitting retrospective regularization in such circumstances amounts to a serious violation of the constitutional guarantees of equality, fairness, and lawful treatment in public employment. The Court observed that vested rights of permanent employees cannot be nullified through executive discretion exercised in disregard of the governing service framework.

By setting aside the impugned judgment of the Sindh High Court and the corresponding administrative orders, the Federal Constitutional Court has reaffirmed the constitutional principles governing public service structures, merit-based recruitment, and protection against arbitrary administrative action across public sector institutions nationwide.



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