

**IN HIGH COURT OF SINDH, CIRCUIT COURT  
HYDERABAD**

**C.P. No.D-101 of 2026**

[Muhammad Siddique Sangi v. Federation of Pakistan & others]

**Before:**

**Mr. Justice Arbab Ali Hakro**

**Mr. Justice Riazat Ali Sahar**

Petitioner : Muhammad Sididque Sangi through  
Mr. Zahoor-ul-Hussain Sangi,  
Advocate.

Respondents No.1&2 : Federation of Pakistan and another  
through Mr. Ghulam Abbas Sangi,  
Assistant Attorney General for  
Pakistan along with Muhammad  
Saleh Memon, Assistant Way  
Inspector, Pakistan Railway  
Nawabshah.

Respondent No.3 : The Director NADRA Nawabshah  
through Mr. Zameer Ali Larik Legal  
Assistant NADRA.

Date of Hearing : **26.02.2026**

Date of Decision : **26.02.2026**

**JUDGMENT**

**RIAZAT ALI SAHAR. J.** - Through this petition, the petitioner is seeking following reliefs:-

- a. *That, this Honourable court may be pleased to recall the Notice No.4-E/Mr. Muhammad Siddique dated 13.10.2025 whereby wrong date of his age of superannuation is shown as 21.2.2026 instead to correct date as 01.07.2027 because as per NADRA record his correct date of birth is 01.07.1967.*
- b. *That, this Honourable court may be pleased to direct the respondent No.2 to correct the service record/service book of petitioner mentioning therein his correct date of birth as 01.07.1967 instead to 21.02.1966.*
- c. *That, this Honourable court may be pleased to suspend the Notice No.4-E/Mr. Muhammad Siddique dated 13.10.2025 whereby his age of superannuation is shown as 21.2.2026 instead to correct date as 01.07.2027 because as per NADRA record/CNIC his correct date of birth is 01.07.1967.*

- d. Cost of the petition may be saddled upon the respondents.*
- e. Any other relief which this Honourable court deems fit and proper may be awarded to the petitioner.*

2. In the instant petition, the petitioner has stated that he is a civil servant employed in Pakistan Railways, presently serving as Gang Mate (Gang No. 28) under the Permanent Way Inspector, Padidan, District Shaheed Benazirabad. According to his CNIC issued by National Database and Registration Authority (NADRA), his correct date of birth is 01.07.1967. However, in his service book, his date of birth has been recorded as 22.02.1966 on the basis of a medical certificate obtained at the time of appointment. On the strength of the service record entry, respondent No.2 issued a superannuation notice dated 13.10.2025, retiring him w.e.f. 21.02.2026. The petitioner stated that his actual date of retirement falls on 01.07.2027 upon attaining the age of 60 years and that the impugned notice is illegal and based on an erroneous entry.

3. Pursuant to Court notice, respondent No.2 filed parawise comments and admitted the service particulars of the petitioner but denies the claimed date of birth. It is stated that at the time of initial appointment in 1988, the petitioner was medically examined and assessed to be 22 years of age as of 22.02.1988; accordingly, his date of birth was recorded as 22.02.1966 in the service book. It is further stated that under Railway Board letter No. JS/A(VS)RWP/2020/253 dated 06.11.2003, the date of birth recorded at the time of entry into government service is final and cannot be altered subsequently. Therefore, the retirement notice dated 13.10.2025 has been issued strictly in accordance with the service record and governing policy. The petition is termed as not maintainable and liable to dismissal.

4. Learned counsel for the petitioner contends that the impugned retirement notice is arbitrary, unlawful, and violative of Articles 4 and 25 of the Constitution. He contends that the petitioner's authentic and legally recognized date of birth, as reflected in NADRA's CNIC record, is 01.07.1967, which carries a statutory presumption of correctness. He contends that an entry in the service book based merely on medical estimation cannot override official national identity data. The petitioner has one year of lawful service remaining, and premature retirement would cause irreparable loss. It is further stated that the refusal to correct a

patent clerical error amounts to maladministration. It is further contended that this Court, in exercise of constitutional jurisdiction, may direct correction of the service record in line with NADRA's verified data.

5. Conversely, learned A.A.G. for Pakistan, representing the Federation and departmental authorities, opposes the petition and contends that the date of birth recorded at the time of entry into service is binding and final. He contends that government policy expressly prohibits alteration of date of birth after appointment, except in cases of clerical error established immediately. According to him, the petitioner accepted the recorded date throughout his service and never challenged it for decades and the superannuation notice has been issued strictly in accordance with the service book entry. Therefore, no constitutional violation is made out and the petition merits dismissal.

6. The Legal Assistant for National Database and Registration Authority contends that as per NADRA's centralized database, the petitioner's date of birth is recorded as 01.07.1967. The CNIC was issued on the basis of documentary evidence produced at the time of registration. NADRA does not verify or control departmental service records and only maintains identity data as provided and verified under its statutory framework. No independent adjudication regarding service tenure falls within NADRA's domain.

7. Heard and perused the record.

8. The controversy in the instant petition revolves around the determination of the petitioner's correct date of birth and the legality of the impugned retirement notice dated 13.10.2025. The petitioner claims that his date of birth is 01.07.1967 as reflected in his CNIC and NADRA record, whereas the department relies upon the service book entry showing 22.02.1966, recorded at the time of appointment on the basis of medical assessment. It is an admitted position that the entry in the service book was made in 1988 at the time of initial induction into service. The petitioner continued his service for decades without formally challenging the said entry. The policy relied upon by the respondents clearly provides that the date of birth recorded at the time of joining government service shall be treated as final and shall not be altered subsequently. Such policy

is rooted in the principle of administrative certainty and discipline, preventing belated claims aimed at extending service tenure.

9. The Honourable Supreme Court of Pakistan, in the case of *Ahmed Khan Dehpal v. Government of Balochistan* (2013 SCMR 759), has categorically held that once a civil servant's date of birth is recorded at the time of initial entry into service, no subsequent alteration thereto is permissible under Rule 12-A of the Civil Servants (Appointment, Promotion and Transfer) Rules, 1973. The Court further observed that belated attempts to alter the recorded date of birth, particularly those made at the verge of retirement, are generally presumed to be an afterthought and thus inadmissible in law. The principle "*nemo debet commodum capere de injuria sua propria*" — no man ought to derive any advantage from his own wrong — aptly underpins such judicial reasoning. Similarly, in *Muhammad Khaliq Mandokhail v. Government of Balochistan* (2021 PLC (C.S.) 570), the apex Court reiterated that any correction in the date of birth must be sought within the prescribed timeframe and must be supported by incontrovertible evidence. Mere reliance on frivolous or self-serving documents is insufficient and cannot serve as the basis for rectification. The maxim "*de minimis non curat lex*" — the law does not concern itself with trifles — is applicable where the attempt to alter official records is neither timely nor substantiated with credible evidence.

10. In the present case, the petitioner's reliance on NADRA record, though *prima facie* indicative of identity data, does not automatically invalidate the long-standing service record entry. A distinction must be drawn between identity registration and service jurisprudence. Service matters are governed by specific departmental rules and policies, which prioritize the entry made at the inception of service to avoid uncertainty in administrative affairs. Allowing alteration after nearly three decades would open floodgates for similar claims and disrupt institutional discipline. However, if the petitioner is able to establish that the original entry was the result of a *bona fide* clerical mistake attributable to the department and not based on his own declaration or medical assessment, such claim would require strict proof through contemporaneous documentary evidence existing prior to his induction. In absence of such proof, mere reliance on subsequent CNIC data would be insufficient to displace the original service record. Therefore, applying the

settled principles of service law and maintaining consistency with judicial precedents, the entry recorded in the service book at the time of appointment carries sanctity and presumption of correctness. The impugned retirement notice, having been issued on the basis of such entry, cannot be termed illegal or without jurisdiction. Consequently, unless cogent evidence of clerical error is produced, the petition is liable to dismissal.

11. For what has been discussed above, keeping in view of the above facts, governing policy and law laid down by the Honourable Supreme Court, the constitutional petition does not warrant interference under Article 199 of the Constitution. The petition is, therefore, **dismissed** with no order as to costs.

**JUDGE**

**JUDGE**

**\*Abdullahchanna/PS\***