

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. D-502 of 2024
(Mst. Zahida Shahid versus Province of Sindh & others)

Date	Order with signature of Judge(s)
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Before:

Mr. Justice Muhammad Karim Khan Agha
Mr. Justice Adnan-ul-Karim Memon

Date of hearing and order:- 29.10.2025

Mr. Irfan Ali advocate for the petitioner
Mr. Ali Safdar Depar, Assistant Advocate General

ORDER

Muhammad Karim Khan Agha, J: The petitioner has prayed as under:

1. *To declare that the retirement letter dated 29.12.2023 issued by the respondent No.3 is illegal, unlawful, having no legal effects in the eyes of law as the same has been issued by the respondent No.3 by ignoring his all the letters and service book of the petitioner with further declaration that the acts and actions of the respondent No.4 are also illegal and unlawful.*
2. *To direct the respondent No.3 to allow the petitioner to resume her duty in the department as she was doing previously, prior the 29.12.2023 till her age of superannuation (60) days.*

2. The case of the petitioner is that she was appointed as a Lady Health Worker under the National Program (FP & PHC) by the City District Government Karachi on 14.10.2008, initially on a one-year contract, later regularized on 19.09.2014 due to satisfactory performance. Her service book recorded her correct date of birth as 05.12.1969. However, she later discovered that her CNIC incorrectly showed 05.12.1964. In 2016, she approached the Wafaqi Mohtasib (Ombudsman) for correction, as her matriculation certificate reflected the correct date.

2. Petitioner's Counsel argued that the retirement order issued by Respondent No. 3 was illegal and unjust, as it ignored authentic documents showing her correct date of birth (05.12.1969). He maintained that the petitioner still had about five years of service left, and the premature retirement violated her fundamental and legal rights under the Constitution of Pakistan. He requested that the impugned retirement order be set aside.

3. Learned Assistant Advocate General (AAG) contended that the petitioner's matriculation certificate and CNIC initially showed 1964 as her year of birth. During regularization and medical fitness in 2014, and again in her CNICs from 2019, her birth year appeared as 1964 or 01.01.1964. On that basis, she was retired upon attaining the age of superannuation on 31.12.2023. The petitioner later produced a new

matriculation certificate and CNIC showing 05.12.1969, claiming continued service until 2029. The AAG argued that her claim lacked merit and should be dismissed with costs.

4. Heard both sides and examined the available record.

5. The petitioner's claim to extend her service by correcting her date of birth to 05.12.1969 cannot be sustained. Although her service book records this date, her CNIC and earlier matriculation certificates showing 1964, coupled with long uninterrupted service under that record, establish finality. The retirement order issued upon attaining superannuation (age 60 as per 1964 DOB) is legal, proper, and in accordance with law. The petitioner failed to prove a clerical error, timely notice, or correction under the prescribed procedure. As held by the Supreme Court in *Dr. Muhammad Aslam Baloch v. Government of Balochistan (2014 SCMR 1723)* and *Al Azhar Khan Baloch v. Province of Sindh (2015 SCMR 456)*, once the date of birth is recorded in service records, it is conclusive, and late requests for alteration cannot be entertained. Accordingly, the petition is dismissed.

HEAD OF CONST. BENCHES

JUDGE

Shafi