

Order Sheet

IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANO

C.P.No.D-103 of 2023

(Nazeer Ahmed Bhaan v/s. Administrator, T.M.O. Dokri)

Date	Order with signature of judge
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Before:

Mr. Justice Muhammad Saleem Jessar.

Mr. Justice Nisar Ahmed Bhanbhro.

Petitioner: Nazeer Ahmed son of Raza Muhammad Bhaan
Through Mr. Gul Muhammad Pathan, Advocate.

Respondents No.1-5: Through Mr. Imtiaz Ahmed Bhatti, Advocate a/w Abdul Hameed
Jessar, Chairman, Town Committee, Dokri.

Respondent No.: Through Mr. Liaquat Ali Shar, Additional Advocate General, Sindh.

Date of Hearing: 21.08.2025

Date of Order: 21.08.2025

ORDER

Nisar Ahmed Bhanbhro J.- Through this petition, petitioner Nazeer Ahmed Bhaan has claimed the following relief(s):

- (a) That, this Honourable Court may be pleased to direct the concerned official respondents to release the remaining pension of 05 months from August to December, 2022 and release the back benefits, including Basic Pay for 365 days on account of LPR amount, Rs.5,71,845/-, G.P. Fund commutation amount of Rs.22,83,543/- and remaining pension of five months Rs.3,16,555/-, which is outstanding against the respondents.
- b. That this Honourable Court may further be pleased to direct official respondents to resolve the genuine matter of petitioner and release the monthly pension to the petitioner.

2. Mr. Gul Muhammad Pathan, learned Counsel for the petitioner contended that the petitioner has rendered more than 34 years of service with respondent Town Committee (TC) Dokri and stood retired from service on 29.07.2022, since then he is denied the right of G.P. Fund, Gratuity, LPR and past pension of five months from August 2022 to December, 2022.

3. Mr. Imtiaz Ahmed Bhatti, learned counsel for the Respondent Town Committee, Dokri contended that service book of the petitioner could not be verified as the office was gutted in the aftermath of the assassination of Shaheed Mohtarma Benazir Bhutto. He contended that without verification of the service book, the petitioner cannot be granted pensionary benefits. He contended that for want of funds Respondent No.1 was unable to grant the pension benefits of the petitioner as TC was facing huge financial burden on account of payment of salaries to its employees and no sufficient funds were available to grant pensionary benefits to the petitioner. Learned Additional Advocate General, Sindh has adopted the arguments so advanced by the learned counsel for the respondents.

4. We have heard learned counsel for the parties and perused the material available on record.

5. Admittedly, the service of the petitioner with the respondents has not been denied and he has been conveyed retirement by respondent No.1 on 29.07.2022; thereafter he was paid a monthly pension, but his other pension amount was withheld for extraneous consideration and fanciful ground of the verification of service book and shortage of funds.

6. In Sindh Civil Service Regulations (C.S.R), under rules 166 to 178 it is the duty of the office concerned to maintain service book of the non gazzetted employees, therefore bald excuse of non-verification of the service book was untenable under the law. Under the law, the Respondent department was under obligation to grant the pensionary benefits at the moment the employee retired from the department.

7. When confronted as to how much funds were being received by the TC Dokri, the Chairman, made a statement that TC received an amount of Rupees 12 Million per month as OZT share for payment of salaries and carrying out the development works. The Finance Department grants OZT share to all the local councils for disbursement of salary, pension and execute development works. Respondent TC received bounty funds from the Provincial Government, but budget was being utilized single handedly and the pensioners were being treated as shuttlecock. Such a treatment of pensioners meted out at the hands of the respondents was cruel and inhuman in nature. The pensioner boiled his blood in the department with an inspiration that in the second inning sufficient money in lump sum would be available to pass life with ease, but in the case of the petitioner, due to cruel conduct of the respondents he was suffering and unable to have decent shelter. We had taken a lenient view on the last date of hearing to allow respondents No.1 to 6 to chalk out

a plan for payment of the pension benefits, but instead devising any strategy to ease the problems of the petitioner, respondent No.1 categorically refused to grant pension benefits.

8. Counter to the TCs claim that they have no money for pensions. We find this situation quite inexplicable in view of the letter dated 28th February, 2025 issued by Section Officer, Finance Department, Government of Sindh regarding release of OZT share in favour of TCs of Hyderabad, Mirpurkhas, Larkana, Shaheed Benazirabad and Sukkur divisions for the month of March, 2025. Since the payment of pension and salaries is a crucial issue for those employees who are working in TCs, the Secretary, Sindh Local Government shall ensure that each TC is provided with an officer well conversant with accounts and dealing with pensionary and salaries matters, and ensure that a separate wing for pension and salaries payment shall be established in each Town Committee. This can be achieved by the Secretary, Sindh Local Government by exercising his powers under Sections 87 and 88 of Sindh Local Government Act, 2013 which gives Local Government of Sindh supervisory powers over all the TCs throughout Sindh.

9. It is also expected that Secretary, Sindh Local Government shall monitor usage of its funds, provided to the TC Dokri and ensure that the same are being used for the purposes which they were meant for and not being wasted or misused.

10. Section 125 of Sindh Local Government Act, 2013 is also relevant which is set-out below for ease of reference:

“125. **Provident Fund and Social Insurance.**- (1) A Council may, establish and maintain – (a) provident fund for the benefit of its employees, who shall contribute to such fund in such manner and proportion as may be prescribed; (b) pension d from which pension, shall, in the prescribed manner, be paid to the employees of the Council; (c) benevolent fund, in the prescribed manner from which any special pension or gratuity, shall, in the prescribed manner be paid to the family of an employee of the Council, who dies of disease or injury contracted or suffered by him in the discharge of his officials duties. (2) A Council may operate a scheme of social insurance for its employees and require such employees to subscribe to such scheme in such manner and proportion, as may be prescribed.”

11. Unless each TC does not establish its own pension fund for distributing the pension of its own employees, the same situation will arise again in the future as has occurred on this occasion where Petitioner is not being disbursed pension with a lame excuse of lack of funds. As such Secretary, Sindh Local Government shall ensure that each TC Dokri shall

establish pension funds in accordance with Section 125 of Sindh Local Government Act, 2013 so that in future this responsibility of paying pensions will be fulfilled accordingly.

12. Honorable Supreme Court of Pakistan, in the case of Haji Muhammad Ismail Memon reported as PLD 2007 SC 35 shown its dismay and anger over delay in pension payments and observed that it is a deplorable condition that Government servants, after having served for a considerable long period during which they give their blood and sweat to the department, had to die in a miserable condition on account of nonpayment of pension/pensionary benefits, etc. Thus, everyone who is responsible in any manner in delaying the case of such retired officers/official or widows or orphan children for the recovery of pension/gratuity and G.P. Fund has to be penalized. Honorable Supreme Court issued strict directions that all the Government Departments, Agencies, and Officers deployed to serve the general public within the limit by the Constitution as well as by the law shall not cause unnecessary hurdle or delay in finalizing the payment of pensionary/retirement benefits cases in future and violation of these directions shall amount to criminal negligence and dereliction of the duty assigned to them.

13. In Pakistan, per census 2023, the life expectancy of a person is shown as about 68 years. Though the death is fixed and destined on the day ordained by Almighty Allah, but looking at the prevailing statistics, an employee in Pakistan retires in the last decade of life expectancy. He requires financial security to pass his life with ease in the second inning. After retirement, the timely payment of pension is considered as the main source of income for livelihood. Despite serving for a long time with sheer commitment, if the pensionary benefits are delayed or denied without any lawful justification or without assigning any reason, it would reflect a sad state of affairs, rather an appalling and deplorable situation for a person who performed his duties with utmost dedication and enthusiasm throughout his career but at the eve of his retirement, he is treated inhumanly and gets nothing.

14. Honorable Supreme Court of Pakistan in the case of Muhammad Yousuf Versus Province of Sindh and others reported as 2024 S C M R 1689 has held as under:

Under the exactitudes of pension rules and regulations, the concerned department is obligated to immediately process the pension papers without putting it on hold or throwing it in shelves for an unlimited period of time. At the same time, it is also the onerous duty and obligation of the head of the department/competent authority and all other persons in the department who are engaged in the completion process to keep a vigilant eye in order to ensure the swift payment of pensionary benefits without unreasonable

delay for protecting and safeguarding the interest of the retired employees and their families. They should also remember that in the near future, they will also relish the flavor of retirement and file their own papers for pension and step into the shoes of retired employees. In the self-accountability process with the honest motto of not dragging the payment of pensionary benefits of others, the persons responsible in order to change the culture of making delays should maintain a clearheaded policy to complete the process for pension fairly within a sensible time. If a swift process really comes into fashion by means of their sincere efforts then hopefully, at the time of their retirement, they may not face the same problems and hindrances that their past colleagues faces. As the saying goes, "as you sow, so shall you reap".

15. We are of the considered view that the petitioner has not been dealt with in accordance with law by the respondents. Denial of the pensionary rights to the petitioner was tantamount to impinging fundamental rights of the petitioner, which could not be given a clean chit to perpetuate. We found no justification for withholding pension benefits of the petitioner and such an action on the part of respondent No.1 calls for the indulgence of this Court in its powers conferred under Article 199 of the Constitution, Islamic Republic of Pakistan, 1973 for judicial review.

16. Consequently, we allow this petition and direct respondent No.1 to prepare pension case for grant of pensionary benefits to the petitioner as stated in the prayer clause. The Assistant Director, Local Fund Audit, Larkana shall ensure that pension case of the petitioner is prepared within a period of 30 days and he is paid the entire pensionary amount alongwith arrears with the said period. It is clarified that if respondent No.1 fails to make the pension payment to the petitioner, the accounts of the Town Committee, Dokri shall stand frozen from the month of September, 2025 till the payment of pensionary benefits to the petitioner.

17. Petition stands disposed of in the above terms. Office to send copy of this order to Respondents, Secretary Local Government and Deputy Director Local Government for compliance.

Judge

Judge

Dated 21.08.20-25

Manzoor

Approved for reporting

Larkana