

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-1094 of 2026
(*Safdar Masih versus Province of Sindh & others*)

Date	Order with signature of Judge
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Before:-
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Zulfiqar Ali Sangi

Date of hearing and order: 22.4.2026

Mr. Rustam Khan Mahar advocate for the petitioner
Mr. Ali Safdar Depar, Assistant AG
Mr. Asad Ahmed advocate for the respondent / KMC

ORDER

Adnan-ul-Karim Memon, J. The petitioner, Safdar Masih, filed the instant Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking a declaration of his entitlement to retirement benefits, including gratuity, and a direction to the respondents to release the same without delay in accordance with law.

2. It is stated that the petitioner was appointed on 10.10.1982 as a Sanitary Worker (BPS-02) in TMC Korangi and retired from service in 2024; however, his pensionary benefits were not released thereafter.

3. The respondent/KMC, through a report, submitted that the petitioner retired on 11.06.2024 and his pension case, amounting to Rs. 2,077,694/-, has been duly processed and pre-audited. It was further stated that the petitioner is already receiving monthly pension through HBL, while payment of remaining dues is subject to release of funds by the Provincial Government, for which a request has been made.

4. Learned counsel for the respondent assured that the petitioner's outstanding pensionary benefits shall be released within three weeks. The request being reasonable was acceded to.

5. In view of the above, it is an admitted position that the petitioner, after rendering long service, stands retired and is legally entitled to all retiral benefits, including gratuity and other dues, which constitute vested rights and cannot be withheld except in accordance with law. The plea of non-availability of funds is neither a valid justification nor a lawful ground to deprive or delay payment of such benefits, as financial constraints of a statutory body do not override the accrued and enforceable rights of a retired employee. The respondents, being public functionaries, are under a legal and constitutional obligation to ensure

timely disbursement of pensionary benefits, and any delay in this regard amounts to maladministration and violation of settled principles of service jurisprudence.

6. Since the respondents themselves have acknowledged that the petitioner's case has been duly processed and pre-audited, and have further undertaken before this Court to release the outstanding amount within a stipulated period, no further adjudication on merits is required. However, to safeguard the petitioner's rights, the respondents are bound by their undertaking and are directed to ensure compliance within the stated timeframe, failing which the petitioner shall be at liberty to seek appropriate remedy in accordance with law.

7. Accordingly, the petition along with pending application(s) is disposed of in the above terms.

JUDGE

JUDGE