

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-333 of 2026
(*Dr. Zehra Tahir Shairani versus Province of Sindh & others*)

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

Date of hearing and order:-22.4.2026

Syed Shabbir Shah advocate for the petitioner
Mr. Ali Safdar Depar, Assistant AG
Mr. Asad Ahmed advocate for the respondent / KMC

ORDER

Adnan-ul-Karim Memon, J. Petitioner Dr. Zehra Tahir Shairani filed the instant Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking declaration of her entitlement to pension, arrears, and commutation, along with a direction for timely payment of the same.

2. Learned counsel for the petitioner contended that the petitioner, after serving as Senior Anesthetist, retired on 16.07.2019, however, her pensionary benefits and commutation amount have not been released.

3. Learned counsel for respondent KMC submitted that although the petitioner has retired and her pension contribution case was finalized on 16.06.2020 for an amount of Rs.2,699,015/-, the same is presently lying in the Finance Department, KMC, pending disbursement due to accumulated pension liabilities. It was further stated that the petitioner is a SCUG officer drawing pension from the Government of Sindh and that KMC is only responsible for transferring pension contribution to the SCUG fund. Learned counsel, however, requested that appropriate directions may be issued for release of the petitioner's pensionary dues within a stipulated time, which request is found to be reasonable.

4. In light of the admitted position that the petitioner is a duly retired employee of KMC and that her pension contribution case has already been finalized and quantified at Rs. 2,699,015/- on 16.06.2020, there remains no factual or legal dispute requiring adjudication. The entitlement of the petitioner to pensionary benefits, including pension, arrears, and commutation, is a vested right flowing from her service record and retirement, which cannot be withheld indefinitely on administrative or financial grounds.

5. The contention of the respondents that the amount is lying with the Finance Department due to "accumulated pension liabilities" does not constitute a

lawful justification for delaying the disbursement of post-retirement benefits. It is well-settled that pension is not a bounty but a property right and a deferred portion of salary earned for past services, and therefore, cannot be arbitrarily withheld or subjected to uncertain timelines. Administrative inconvenience or financial constraints of the employer cannot override such vested rights, particularly when the amount has already been finalized and processed.

6. Moreover, the position taken by the respondents, while acknowledging liability and requesting time for release, amounts to an implied admission of the petitioner's entitlement. In such circumstances, the continued non-payment is not only unjustified but also contrary to principles of fairness, equity, and good governance. Public bodies are under a constitutional obligation to act reasonably and expeditiously in discharging financial obligations towards retired employees, who are often dependent on such income for their livelihood and dignity in post-retirement life.

7. In view of the above, the petition is disposed of with pending application(s) and the the respondents are jointly directed to ensure expeditious release of all pensionary benefits already determined in favour of the petitioner. Any further delay would amount to continued deprivation of a lawful entitlement without lawful excuse, warranting appropriate consequential proceedings against the responsible authorities. A copy of this order be sent to the Secretary, Sindh Local Government Board for immediate compliance.

JUDGE

JUDGE

Shafi