

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Const. Petition No.D-498 of 2022

Date	Order with signature of Judge
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For hearing of main case

16-11-2022

Mr. Ali Gul Abbasi, Advocate for the Petitioner
Syed Shafqat Ali Shah, Advocate for Respondents No.2 to 4
Mr. Ali Raza Baloch, Assistant Advocate General
Imtiaz Ahmed Soomro CMO, MC Rohri

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1. The petitioner served as Octroi Clerk at Municipal Committee Rohri under the supervision of respondents No.1 to 3. He joined his service on 01.07.1987 and performed his duty up till 31.12.2013. Thereafter, he remained absent from his service for about seven years; however, vide order dated 13.11.2020 passed by the respondent No.3, he was stood retired w.e.f 31.12.2013 as required under rule 3.5 of the West Pakistan Civil Service Pension Rules 1963. The grievances of the petitioner is that he has not been paid (i) gratuity / commutation amount of Rs.6,98,925/-, (ii) LPR Encashment Rs.168000/- and (iii) monthly pension w.e.f. January 2014 to December 2020.

2. The respondents No.2 to 4 have filed parawise comments wherein stance has been taken by them that the petitioner remained absent from service without any intimation for a period of seven years and subsequently he opted for his retirement from his service on qualifying basis; however, as he remained absent for about seven years, he was considered to be no more in services as per section 25 of the Sindh Local Council Employees (Services) Rules, 2017.

3. It is, however, matter of record that the petitioner has partly been paid Rs.398925/- and amount of Rs.300,000/- remains payable towards gratuity. The learned counsel for the petitioner admits that the petitioner is not entitled for LPR. However, it is matter of record that the pension for the period

from January 2014 to December 2020 is still outstanding and record shows that such bill was passed by the Audit Officer but the said amount has yet not been paid to him.

4. Learned counsel for the respondents states that since the petitioner was stood retired in back date he is not entitled for the pension w.e.f January 2014 to December 2020. We are afraid the contention of learned counsel for the respondents appears to be bereft of reason. When the petitioner has been stood retired from back date i.e December 2013 after qualifying service of about 29 years and 07 months, he is entitled for the pension from the date of his retirement.

5. We; therefore, allow this petition by directing the respondents No.2 to 4 to pay the amount of Rs.300,000/- being outstanding towards commutation amount and pension amount w.e.f. January 2014 to December 2020, after verification from Director Local Fund, within a period of sixty (60) days.

6. The petition stands disposed of in the above terms.

JUDGE

JUDGE

Suleman Khan/PA