

HIGH COURT OF SINDH CIRCUIT COURT, MIRPURKHAS

CP. No. D- 1376 of 2024

[Keso Mal v. Province of Sindh & others]

BEFORE:

JUSTICE ADNAN-UL-KARIM MEMON

JUSTICE RIAZAT ALI SAHAR

Mr. Mir Pervaiz Akhtar Talpur, advocate for the petitioner

Mr. Farhan Ahmed Bozdar, Advocate for Respondent No.5

Mr. Muhammad Sharif Solangi, Assistant A.G Sindh along with Abdul Rashid District Accounts Office Umerkot Focal Person & Dr. Muhammad Ali Nohri, DHO Umerkot

Date of hearing & decision: 12.11.2025

ORDER

ADNAN-UL-KARIM MEMON, J.- The petitioner prays as under:

- a) Direct Respondents 2 & 4 to issue G.P Fund Pay Slip for the year 2010 and up-to-date of the petitioner.
- b) Direct Respondent No. 4 to produce all the GP Fund Account record of the petitioner along with all cheques.
- c) Direct Respondents No. 3 & 4 to release all the outstanding GP Fund amount to the Petitioner.

2. The case of the Petitioner is that he was appointed as Junior School Teacher (JST) on 09.06.1988, later promoted to High School Teacher (HST), and is presently serving at Government High School, Aahori Farm Taluka & District Umerkot; that in the year 2011, the Petitioner sought assistance from Respondent No.4 for withdrawal of his General Provident Fund (GP Fund). His GP Fund account was transferred from Karachi to Mirpurkhas and subsequently from Mirpurkhas to Umerkot. Respondent No.4 issued GP Fund slip for 2010/11 showing balance of Rs. 385,405/. The Petitioner received Rs. 154,000/- (40% of the total) in 2011. However, Respondent No.4, in collusion with the then District Accounts Officer, allegedly processed and withdrew Rs. 745,000/-, of which only Rs.200,000/- was deposited in the account of Petitioner. The Respondents subsequently altered the Petitioner's date of birth from 25.09.1961 to 25.09.1967 to show him as retired. In 2014, NAB initiated an inquiry. Respondent No.4 took back Rs. 200,000/- from the Petitioner under threat of arrest, claiming it was required to "settle accounts." Service Book entries

show only Rs.154,000/- withdrawn by the Petitioner. On 30.11.2023, the Petitioner requested for issuance of his GP Fund Slip (2010 & updated). The Deputy Commissioner forwarded his request, but no action was taken. The Petitioner filed complaint before the Provincial Ombudsman, Mirpurkhas, which directed Respondent No.4 to furnish a report (Letter dated 14.06.2024), but no reply has been given. The Petitioner has served in the Education Department for 36 years and is entitled to a balance of Rs.2,200,000/- in his GP Fund Account, which is still withheld.

3. Learned A.A.G submitted that the petition is not maintainable as the matter is already pending before the Provincial Ombudsman, Mirpurkhas. The Petitioner must await the Ombudsman's decision before approaching this Court. He submitted that Petitioner drew Rs.754,000/- instead of Rs.154,000/- through GP Fund Payroll (Account No. 2301101640-5, dated 13.01.2012). Recovery was initiated accordingly. The Petitioner filed this petition while the matter was already pending before the Ombudsman. He argued that the Petitioner has not deposited the excess amount; therefore GP Fund Slip cannot be issued until recovery is complete. He relied upon the relevant letters and reports by the District Accounts Officer, Umerkot, and the Finance Department, Karachi are annexed. He submitted that verification of demand drafts (Rs.100,000/- & Rs.300,000/-) in favour of Chairman NAB does not confirm the Petitioner's ownership. If authentic proof is provided, entries can be updated in the SAP system and a revised GP Fund Slip will be issued. Since the Petitioner has not provided authenticated evidence of repayment or challans, and recovery is pending, this petition is liable to be dismissed. He added that if genuine documents are produced, the balance will be updated and the GP Fund Slip generated accordingly. He prayed to dismiss the petition.

4. It is urged by the respondents that the Petitioner received Rs.7,54,000/- instead of Rs.1,54,000/- from his G.P. Fund Account and full recovery has not yet been made. It is also urged that under G.P. Fund Rules, issuance of an updated slip or release of further funds is conditional upon clearance of all recoveries. It is submitted that the Petitioner has not produced any proof of repayment. However, the issue of alteration in the date of birth is to be seen by the competent authority by perusing the record; however, official record *prima facie* show 25.09.1967 as correct entry. It appears that the Petitioner is still in government service and is entitled to all lawful service benefits, salary, pension, after retirement,

subject to settlement of liabilities, if any, before his retirement. However, the release of disputed G.P. Fund amount cannot be directed at this stage until the competent authority determines with regard to factual issues within 60 days.

This Constitutional Petition in the above terms stands disposed of.

JUDGE

JUDGE

Karar_Hussain/PS*