

Order Sheet

HIGH COURT OF SINDH,

CIRCUIT COURT, HYDERABAD

CP No. D- 1873 of 2024
[Mst. Farida Abbas v. Province of Sindh & others]

Before :

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Riazat Ali Sahar

Petitioner : Through Mr. Ishrat Ali Lohar, Advocate
Mr. Muhammad Ismail Bhutto, Addl. A.G.

Date of Hearing
& Decision: 11.11.2025

O R D E R

ADNAN-UL-KARIM MEMON, J.- The petitioner has filed this Constitutional Petition seeking directions for the respondents to pay her full family pension of her mother. The petitioner's mother, a Professor of Botany at Government Girls College Hyderabad was retired and received pension until her death in November 2012. The petitioner claims to be her sole legal heir and contends that, as a widow (her husband died on 23rd October 2014), she is entitled to her mother's family pension. She states that her efforts to obtain the pension have been unsuccessful.

2. The Regional Director Colleges Hyderabad, in response, referred to the Finance Department Circular dated 5.12.2022, which provides that a daughter is entitled to family pension only if she is a widow at the time of pensioner's death. Since the petitioner became a widow after her mother's death, she is not entitled to family pension.

3. In light of the recent judgment of the Supreme Court of Pakistan in *Province of Sindh vs Mst Sorath Fatima C.P. No. 616-K of 2025*, the entitlement of a daughter to family pension from the deceased pensioner is not to be conditioned solely by her marital status. The Supreme Court held that tying a daughter's eligibility to whether she was married or widowed at the time of the pensioner's death amounts to discrimination under Articles 14, 25 & 27 of the Constitution.

4. Applying that principle to this case, although the petitioner became a widow after the death of her mother (the pensioner), the rigid interpretation in the Circular of the Finance Department, Government of Sindh (dated 5 Dec 2022) that grants family pension only if the daughter was already a widow at the pensioner's death, cannot stand if it conflicts with the statutory rules and the constitutional requirement of equality.

5. Accordingly, the rules governing family pension do not explicitly impose the condition that the daughter must be a widow *at the time of death of the pensioner*, and then the petitioner's claim cannot be denied purely on that ground. The respondents should therefore reconsider her claim in the light of Sorath Fatima's judgment as discussed supra, grant the pension if otherwise eligible, pay arrears due, if any.

6. This petition stands disposed of in terms of the decision of Supreme Court rendered in the case of Province of Sindh vs Mst Sorath Fatima.

JUDGE

JUDGE

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