

*Order Sheet*  
**IN THE HIGH COURT OF SINDH KARACHI**  
**Constitutional Petition No. D –1055 of 2019**

Before:

Mr. Justice Nadeem Akhtar

Mr. Justice Adnan-ul-Karim Memon

Molvi Muhammad Hasan Pathan

*Versus*

Home Secretary, Government of Sindh and another

Date of hearing & order : 10.11.2020

Syed Imtiaz Ali Shah, advocate for the petitioner.

Mr. Ali Safdar Debar, Asst. AG, Sindh, along with Abdul Qadir, Section Officer (Prison) Home Department, Government of Sindh.

**ORDER**

**ADNAN-UL-KARIM MEMON, J.** Through this petition, petitioner has prayed that respondents be directed to release his post-retirement benefits as per BPS-17.

2. The case of Petitioner is that he was appointed as a Religious Teacher on 04.10.1986 in BPS-6 and was subsequently promoted to BPS-12, has retired from service on 28.02.2019. In support of his above claim he has relied upon notifications dated 14.06.2018 and 07.11.2018 issued by the Finance Department Government of Sindh and Inspector General of Prisons Sindh, respectively, according to which the post of Religious Teacher is upgraded to BPS-17 after 25 years of service.

3. Syed Imtiaz Ali Shah learned counsel for the petitioner contended that the notification of his retirement has not yet been issued by the respondents as per the directives of Finance Department as discussed supra and due to such failure on their part, his post-retirement benefits are also being delayed; that petitioner is entitled to pensionary benefits in BPS-17 as per notifications regarding up-gradation/ 'Grant of incentive of Higher Grade on the basis of Time Scale with retrospective effect in view of his admitted length of service of 32 years.

4. Mr. Ali Safdar Depar, learned AAG has contended that in compliance of the order passed by this Court on 20.02.2020, required Notification allowing time scale to the petitioner to (BPS-17) with effect from 28/2/2019 for the purpose of pension benefits has been issued. At this juncture, learned counsel for the petitioner emphasized that the retirement notification of the petitioner has been issued with effect from 28.02.2019 rather than with effect from when he completed 25 years of service i.e. 2013. This claim of the petitioner has been refuted by the learned AAG on the premise that there is no provision for upgradation beyond BPS-17, hence, no further upgradation is permissible with retrospective effect under the policy decision of Government of Sindh.

5. In the above circumstances, this petition has served its purpose, which is disposed of in terms of notification dated 04.09.2020 issued by Government of Sindh.

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