

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P No. D-2448 of 2011

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

1. For hearing of CMA No.3833 of 2014.
2. For hearing of CMA No.40670 of 2012.
3. For hearing of CMA No.16752 of 2012.

20.04.2021

M/s. Kazi Abdul Hameed Siddiqui and Saadat Yar Khan, advocates for the petitioners.

It is contended inter alia by the learned counsel for the petitioners that the captioned petition was allowed vide order dated 06.03.2012 with direction to the respondents 1 & 2 to commute pensionary benefits in respect of late Justice @ Ibaadat Yar Khan and pay to his legal heirs under law. Per learned counsel, the main reason for depriving pension of late Justice Ibaadat Yar Khan is a shocking one, despite various directions issued by this Court from time to time, but nothing has been done till date. We, at this stage, confronted him with the legal position of the case that the decision of this Court as discussed supra was in terms of the judgment of the Hon'ble Supreme Court reported in PLD 2008 SC 522 dated 06.3.2008, subsequently, the said judgment was revisited and reviewed by the Hon'ble Supreme Court vide judgment passed in CP No.127/2011 dated 07.06.2013, through which pension of learned retired judges who could not serve five years or more was discontinued. Learned counsel replied to the query and submitted that he is confining the claim of pension of late Justice @ Ibaadat Yar Khan to the period from the date of his retirement till he passed away from this temporary inn i.e. 01.10.1991 to 17.11.2009. Per learned counsel, that period is much before the date of the judgment of the Hon'ble Supreme Court as discussed supra. He further submitted that pension for the future period was discontinued because of the judgment of the Hon'ble Supreme Court, but there is no order for recovery of past pension; and, this is the reason the direction was given to the respondents to comply with the decision of this Court in its letter and spirit. At this stage, learned DAG intervened and submitted that despite various reminders given to the respondents they have turned their deaf ears; and, referred to the order dated 21.11.2016, whereby direction was given to the learned Standing Counsel to call Additional Secretary, Law and Additional Secretary Finance, Government of Pakistan, to resolve the subject issue. He prays for similar directions.

If this is the position of the case, let the Additional Secretary, Law, Additional Secretary, Finance, Government of Pakistan, and representative of Auditor General of Pakistan Islamabad be in attendance on the next date of hearing to assist this Court on the subject issue. Adjourned to 19.05.2021.

Order of this Court be transmitted to the Additional Secretary, Law, Additional Secretary, Finance, Government of Pakistan and representative of Auditor General of Pakistan Islamabad

JUDGE

JUDGE