

**ORDER SHEET**  
**HIGH COURT OF SINDH AT KARACHI**  
C.P. No.D-269 of 2020

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Date Order with signature of Judge  
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For hearing of main case

01.06.2021

Mr. Zahid Ali Metlo, advocate for the petitioner  
Mr. Ali Safdar Depar, A.A.G a/w Asghar Ali Shah, Town Planning  
Officer Sindh  
Mr. Dhani Buksh Lashari, advocate for the respondent No.2  
Mr. Nadir Khan Burdi, advocate for the respondent No.3  
Mr. Zaheeruddin Sahito, advocate  
Mr. Khurram Ghayas, advocate for the respondent No.5  
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1. Through this petition, the petitioner has prayed that the respondents be directed to issue notification in respect of his retirement and to pay his post-retirement benefits and outstanding salary.

2. Mr. Zahid Ali Metlo, advocate is present on behalf of the petitioner and submits that the petitioner has worked in various Government Departments and stood retired on 03.3.2018 but his legally due pensionary and other benefits have yet not been paid due to non-issuance of retirement notification. Per learned counsel, during his career, the petitioner has rendered his professional expertise for more than 31 years in BPS-17 to BPS-19, in various authorities/departments of the Government of Sindh i.e. Hyderabad Development Authority, Town Planning Department, Government of Sindh, Director (BS-19), PTD, Government of Sindh, Karachi Building Control Authority, Malir Development Authority, Lyari Development Authority and Sindh Building Control Authority and this was the reason that his case for promotion to the post of Director (BS-19), Town Planning Department, Government of Sindh was recommended by the competent authority, vide working paper (page 157), as such he is entitled to be considered for retirement in BPS-19, as discussed supra. Learned counsel also referred to various documents attached with the memo of the petition, more particularly a letter dated 07.2.2018 (page 227) whereby a request was made to the Local Government Department for issuance of his retirement notification with effect from 03.3.2018, but to no avail. He lastly prayed for allowing the instant petition.

3. Counsel representing the respondents have conceded that the retirement notification of the petitioner has not been issued, however, they state that the amount of pensionary benefits as claimed by the petitioner is not as per his working, but they agreed that the petitioner is entitled to the pensionery and other benefits in accordance with law.

4. At this stage, Mr. Nadir Khan Burdi, learned counsel representing the Lyari Development Authority (LDA) has submitted that the petitioner has worked in the LDA for a short period, however, he has agreed to pay his dues for the period he spent in the LDA. Be that as it may, we are only concerned as to whether the petitioner has been paid his pensionary and other dues with effect from his date of superannuation or not.

5. We have heard all the learned counsel representing the parties at some considerable length and have perused the record.

6. This is a matter of grave concern that for several years, there has been a long and unjustified delay in the payment of pension which is the source of tremendous hardship and humiliation to the retiring officials and their families. Despite various orders passed by the Honorable Supreme Court of Pakistan, in its various pronouncements and simplified guidelines laid down by the Government, the Government departments have not adhered to such instructions which cannot be appreciated. Even otherwise the said act is in disregard of the Judgment passed by the Hon'ble Supreme Court in the case of Haji Muhammad Ismail Memon (PLD 2007 SC 35).

7. We under the circumstances are constrained to hold that the respondents jointly and severally are responsible to pay all perks and privileges of the petitioner to which he is legally entitled by issuing the notification of his retirement, and would pay his pensionery and other benefits in accordance with law.

8. In view of the foregoing discussion, the competent authority of respondents is directed to issue the retirement notification of the petitioner in the same pay and scale as per the working paper prepared by the respondent-Town Planning Department Hyderabad, under the law, from the date of his attaining the age of superannuation i.e. 03.3.2018; and, pay all his retirement and other benefits along with his salary of the intervening period, if not paid earlier; and perks and privileges to which he was entitled to on the issuance of notification of his retirement within one month's time without any delay and submit compliance report with the MIT-II of this Court.

9. With these observations, the instant petition stands disposed of along with all the pending applications, if any.

Let a copy of this order be sent to the Secretary Local Government, Sindh for information and compliance.

Judge

Judge

