

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD

C.P. No.D-1885 of 2015

DATE	ORDER WITH SIGNATURE OF JUDGE
	For further order.

12.05.2022

Mr. Ishrat Ali Lohar, Advocate for the petitioner.
Mr. Hameedullah Dahri, Advocate for the respondent No.2.
Mr. Ayaz Ali Rajpar, Assistant Advocate General, Sindh.
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The facts in brief necessary for disposal of instant petition are that the petitioner was appointed as Driver by Director of Colleges Education, Hyderabad Region Hyderabad in year 1982; subsequently, his services were placed at the disposal of Chairman, Sindh Text Board, Jamshoro, on deputation basis, in year 1999; he was absorbed there in year 2000 but was repatriated by Sindh Text Board in compliance to order of Hon'ble Supreme Court of Pakistan in year 2013; when he reported for his duty to Director of Colleges Education Hyderabad Region Hyderabad but was not allowed to join the same, for want of vacancy and for the reason that he was permanently absorbed by Sindh Text Board Jamshoro. Subsequently the petitioner was retired from service in year 2014 with effect from 30.06.2013 by Sindh Text Board Jamshoro. It was in these circumstances, the petitioner filed the instant petition before this Court mainly with the prayer that the order of his retirement be declared illegal and he be given pensionary benefits upto the age of his superannuation. As per comments filed by Sindh Text Board Jamshoro, the petitioner has already withdrawn all his pensionary benefits and he now has died. When asked how a dead employee could be taken back in service, that too even after his retirement? It was stated by learned counsel for the petitioner that it was the forced retirement of the

petitioner, therefore, he could be given service benefits till the age of his superannuation by declaring such forced retirement as illegal. The retirement of the petitioner as is evident from the very order was on his own request and he apparently has drawn the pensionary benefits from the date of very retirement, therefore, he could not be ordered to be taken back in service even after his death till the date of his superannuation under the pretext that it was forced retirement. Being faced with the above situation, it was stated by learned counsel for the petitioner that the family pension and certain pensionary benefits of the petitioner are still to be settled by the Sindh Text Board Jamshoro. In response to above, it was stated by learned counsel for the Sindh Text Board Jamshoro that the family pension and pensionary dues of the petitioner, if are found outstanding would be settled by the Sindh Text Board Jamshoro, in accordance with law, whenever the family members of the petitioner would approach the concerned officials of Sindh Text Board Jamshoro. This obviously satisfied the learned counsel for the petitioner. In these circumstances, no further order on the instant petition is called for; it is disposed of accordingly with no order as to costs.

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Muhammad Danish*