

**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD**

Before:

Mr. Justice Muhammad Iqbal Kalhoro

Mr. Justice Adnan-ul-Karim Memon

Karam Ali and others	CP No. D- 2379 of 2013 ----- Govt. of Sindh and others
Mst. Asia Bano	CP No. D- 560 of 2015 ----- Province of Sindh and others
Ali Asghar	CP No. D- 1633 of 2015 ----- Province of Sindh and others
Muhammad Siddique	CP No. D- 2648 of 2015 ----- Province of Sindh and others
Faiz Muhammad	CP No. D- 242 of 2017 ----- Secretary Auqaf and others
Zeeshan Khan and another	CP No. D- 1936 of 2017 ----- Province of Sindh and another
Mst. Noor Jehan	CP No. D- 2224 of 2017 ----- Province of Sindh and others
Mst. Ameena	CP No. D- 769 of 2018 ----- Province of Sindh and others
Mst. Salma	CP No. D- 2061 of 2018 ----- Province of Sindh and others
Mst. Zulekhan	CP No. D- 2107 of 2018 ----- Province of Sindh and others
Muhammad Ibrahim	CP No. D- 2642 of 2018 ----- Province of Sindh and others
Mst. Hajran Khatoon	CP No. D- 2714 of 2018 ----- Province of Sindh and others

Mst. Venus Bibi	CP No. D- 3013 of 2018 ----- Province of Sindh and others
Muhammad Younis	CP No. D- 3396 of 2018 ----- Province of Sindh and others
Syed Mazhar Ali Shah	CP No. D- 415 of 2019 ----- Province of Sindh and others
Mst. Rabia	CP No. D- 634 of 2019 ----- Province of Sindh and others
Muhammad Aarab and others	CP No. D- 695 of 2019 ----- Province of Sindh and others
Syed Ahmed Hussain	CP No. D- 2073 of 2019 ----- Province of Sindh and others
Syed Muhammad Ali Shah	CP No. D- 2164 of 2019 ----- V.C. MUET Jamshoro and others
Mst. Sameena	CP No. D- 2278 of 2019 ----- Province of Sindh and others
Mst. Sheeza	CP No. D- 2347 of 2019 ----- Province of Sindh and others
Munawar Ali	CP No. D- 2749 of 2019 ----- Province of Sindh and others
Mst. Malka	CP No. D- 14 of 2020 ----- Province of Sindh and others
Muhammad Azeem	CP No. D- 56 of 2020 ----- Province of Sindh and others
Qaim Hussain	CP No. D- 99 of 2020 ----- Province of Sindh and others
Mumtaz Ali Khushk and others	CP No. D- 220 of 2020 ----- Province of Sindh and others
Muhammad Naeem Khan and others	CP No. D- 257 of 2020 ----- Province of Sindh and others
Abdul Rasheed	CP No. D- 372 of 2020 ----- Province of Sindh and others
Mst. Fatima	CP No. D- 402 of 2020 ----- Province of Sindh and others
Dost Ali	CP No. D- 740 of 2020 ----- Province of Sindh and others
Mst. Parveen Rafique	CP No. D- 963 of 2020 ----- Province of Sindh and others
Abbas Masih & others	CP No. D- 1034 of 2020 ----- Province of Sindh and others

Mst. Tahira	CP No. D- 1157 of 2020 ----- Province of Sindh and others
Lal Chand	CP No. D- 1250 of 2020 ----- Province of Sindh and others
Inder	CP No. D- 1329 of 2020 ----- Province of Sindh and others
Eric	CP No. D- 1377 of 2020 ----- Province of Sindh and others
Dulla Bhatti	CP No. D- 1438 of 2020 ----- Province of Sindh and others
Dr. Muhammad Umar	CP No. D- 253 of 2021 ----- Province of Sindh and others
Muhammad Bux	CP No. D- 331 of 2021 ----- Province of Sindh and others
Hardas	CP No. D- 393 of 2021 ----- Province of Sindh and others
Ali Nawaz	CP No. D- 424 of 2021 ----- Province of Sindh and others
Ghulam Mustafa	CP No. D- 486 of 2021 ----- Province of Sindh and others
Mirza Shamsbad Baig	CP No. D- 498 of 2021 ----- Province of Sindh and others
Ahmed Khan and others	CP No. D- 538 of 2021 ----- Province of Sindh and others
Ashraf Masih	CP No. D- 584 of 2021 ----- Province of Sindh and others
Mst. Farzana	CP No. D- 997 of 2021 ----- Province of Sindh and others
Ashraf Masih	CP No. D- 1016 of 2021 ----- Province of Sindh and others
Soorjan Balmeki	CP No. D- 1030 of 2021 ----- Province of Sindh and others
Lal Chand	CP No. D- 1052 of 2021 ----- Province of Sindh and others
Mst. Rashida	CP No. D- 1060 of 2021 ----- Province of Sindh and others
Mst. Nimla	CP No. D- 1116 of 2021 ----- Province of Sindh and others
Rafiq Masih	CP No. D- 1173 of 2021 ----- Province of Sindh and others
Mst. Shahr Bano	CP No. D- 1385 of 2021 ----- Province of Sindh and others

Syed Rizwan Ahmed Shah and others	CP No. D- 1474 of 2021 ----- Province of Sindh and others
Mansoor Ahmed	CP No. D- 1589 of 2021 ----- Province of Sindh and others
Murad Ali	CP No. D- 1599 of 2021 ----- Province of Sindh and others
Muhammad Younis	CP No. D- 1707 of 2021 ----- Province of Sindh and others
Shabir Ahmed	CP No. D- 1839 of 2021 ----- Province of Sindh and others
Kanwal Janki	CP No. D- 1860 of 2021 ----- Province of Sindh and others
Naheed Akhtar	CP No. D- 1899 of 2021 ----- Province of Sindh and others
Rasool Bux	CP No. D- 1900 of 2021 ----- Province of Sindh and others
Akhtar Mehmood	CP No. D- 1901 of 2021 ----- Province of Sindh and others
Abdul Kareem	CP No. D- 1904 of 2021 ----- Province of Sindh and others
Ghulam Hyder	CP No. D- 1905 of 2021 ----- Province of Sindh and others
Shafi Muhammad	CP No. D- 1906 of 2021 ----- Province of Sindh and others
Muhammad Aslam	CP No. D- 2002 of 2021 ----- Province of Sindh and others
Najam Ud Din	CP No. D- 2004 of 2021 ----- Province of Sindh and others
Mushtaq Masih	CP No. D- 49 of 2022 ----- Province of Sindh and others
Shr. Parveen Bibi Masi and others	CP No. D- 50 of 2022 ----- Province of Sindh and others
Shamsuddin	CP No. D- 107 of 2022 ----- Province of Sindh and others
Azmat Ali	CP No. D- 119 of 2022 ----- Province of Sindh and others
Mst. Hawa and another	CP No. D- 125 of 2022 ----- Province of Sindh and others
Mst. Rabia and another	CP No. D- 131 of 2022 ----- Province of Sindh and others

Parvaiz Masih	CP No. D- 156 of 2022 ----- Province of Sindh and others
Muhammad Nasir Khan	CP No. D- 165 of 2022 ----- Province of Sindh and others
Sht. Rukhsana	CP No. D- 179 of 2022 ----- Province of Sindh and others
Wahid Bux Soomro	CP No. D- 184 of 2022 ----- Province of Sindh and others
Mst. Yasmeen Kalhoro	CP No. D- 241 of 2022 ----- Province of Sindh and others
Muzafar Ahmed	CP No. D- 287 of 2022 ----- Province of Sindh and others
Mst. Nadra Parveen	CP No. D- 303 of 2022 ----- Province of Sindh and others
Muhammad Arif Khan and others	CP No. D- 310 of 2022 ----- Province of Sindh and others
Mst. Razia	CP No. D- 317 of 2022 ----- Province of Sindh and others
Raja Muhammad Aslam	CP No. D- 620 of 2022 ----- Province of Sindh and others
Mst. Razia Masih	CP No. D- 623 of 2022 ----- Province of Sindh and others
Mushtaque Masih and another	CP No. D- 673 of 2022 ----- Province of Sindh and others
Preem	CP No. D- 696 of 2022 ----- Province of Sindh and others
Mst. Humeeran Khatoon	CP No. D- 752 of 2022 ----- Province of Sindh and others
Maghdaleen Bibi	CP No. D- 784 of 2022 ----- Province of Sindh and others
Saifullah Masih	CP No. D- 982 of 2022 ----- Province of Sindh and others
Mst. Karima	CP No. D- 1211 of 2022 ----- Province of Sindh and others
Pervaiz Masih & another	CP No. D- 1219 of 2022 ----- Province of Sindh and others
Mst. Janat and others	CP No. D- 1349 of 2022 ----- Province of Sindh and others
Mst. Zahida Parveen	CP No. D- 1481 of 2022 ----- Province of Sindh and others

David and others	CP No. D- 1539 of 2022 ----- Province of Sindh and others
Mst. Hira	CP No. D- 1583 of 2022 ----- Province of Sindh and others
Ashique Ali	CP No. D- 1590 of 2022 ----- Province of Sindh and others
Kishan Lal	CP No. D- 1596 of 2022 ----- Province of Sindh and others
Sohail Francis Masih	CP No. D- 1600 of 2022 ----- Province of Sindh and others
Arif Masih	CP No. D- 1743 of 2022 ----- Province of Sindh and others
Gulzar Ali	CP No. D- 1822 of 2022 ----- Province of Sindh and others
Shabbir Ahmed	CP No. D- 1835 of 2022 ----- Province of Sindh and others
Muhammad Ishtiaq	CP No. D- 1838 of 2022 ----- Province of Sindh and others
Mst. Kulsoom	CP No. D- 1886 of 2022 ----- Administrative Officer, HMC Hyd.
Ali Muhammad	CP No. D- 1891 of 2022 ----- Province of Sindh and others
Sabir Ali	CP No. D- 1892 of 2022 ----- Province of Sindh and others
Tahir Ahmed	CP No. D- 1903 of 2022 ----- Province of Sindh and others
Abdul Sattar	CP No. D- 1971 of 2022 ----- Province of Sindh and others
Shr. Sohni	CP No. D- 2079 of 2022 ----- Province of Sindh and others
Mst. Nasreen	CP No. D- 2225 of 2022 ----- Province of Sindh and others
Syed Sabit Ali Shah	CP No. D- 2435 of 2022 ----- Province of Sindh and others
Shrimati Sheela	CP No. D- 2774 of 2022 ----- Province of Sindh and others
Prem	CP No. D- 2783 of 2022 ----- Province of Sindh and others
Mst. Parveen	CP No. D- 2864 of 2022 ----- Province of Sindh and others
Jay Ram	CP No. D- 2870 of 2022 ----- Province of Sindh and others

M/s. Imam Bux Baloch, Muhammad Arshad S. Pathan, Irfan Ahmed Qureshi, Gulab Khan Qaimkhani, Mushtaque Ali Tagar, Mian Taj Muhammad Keerio, Muhammad Sulleman Dahri, Dilbar Khan Leghari, Razia Ali Zaman, Hameedullah Dahri, Raja Jawad Ali Saahar, Atta Hussain Gaddi Pathan, Altaf Sachal Awan, Mazhar Hussain Kalwar, Muhammad Akhtar Bhatti, Rehmat Bibi, Abdul Khaliq Leghari, Dilshad Ahmed Memon, Mumtaz Mehdi Leghari, Aijaz Hussain Jatoi, Ghulam Hyder Baloch, Waseem Hussain Jaffery, Zahid Mustafa Memon, Zulfiqar Ali Shah, Abdul Hafeez Daudani, Talib Khan Bhatti, Raja Mohiuddin Panhwar, Qambar Ali Jamali, Mashooq Ali Mahar, Muhammad Arif Arain, Ishaque Ahmed Leghari, Muhammad Zohaib, Mohsin Raza Gopang, Agha Waqar Ahmed, Aijaz Hussain Jatoi, Ahmed Nawaz Chang, Faisal Nadeem Abro, Ms. Nasim Abbasi, Saiqa Ansari, Asma Jokhio, Farida Naz, Zahida Parveen, Advocate for petitioner

Mr. Imdad Ali Unar, Abdul Hameed Bajwa, Muhammad Arshad S. Pathan, Abdul Aziz Palli, Masood Rasool Babar, Muhammad Saleem Hashmi Qureshi, Aslam P. Sipio, Ghulam Muhammad Soomro, Mumtaz Ahmed Lashari, Naveed, Ayaz Hussain Chandio, Advocate for respondent

Mr. Muhammad Ismail Bhutto, Addl.A.G.

Mr. Ghulam Abbas Sangi, Asst. Attorney General

Date of Hearing and Order : 01.09.2022

ORDER

ADNAN-UL-KARIM MEMON, J-. These matters pertain to the pensionary / service benefits of the petitioners and /or family pension, which are of paramount consideration and this is the reason that all the pension matters are being taken up together for disposal, as the common question of law is involved in these matters.

2. The case of the petitioners is that they / their husbands were government employees and working in deferent departments of Government of Sindh and stood retired from their respective services and after retirement, they are roaming from pillar to post for release of their pensionary / service benefits up to date, on the premise that the aforesaid service benefits have not been released to them due to which they along with their families are passing the lives of starvation, hence in the dismal circumstances they finding no other way have filed the instant petitions.

3. We have heard learned counsel for some of the petitioners as well as learned counsel(s) representing the respective departments on the subject issue and perused the record with their assistance.

4. This is a matter of grave concern that for several years, the long and unjustified delay in the payment of pensions / service benefits has been a source of tremendous hardship and humiliation to retiring officials and their families. Despite the strictures and orders passed by the Honorable Supreme Court of Pakistan in its various pronouncements; and simplified guidelines laid down by the Government, petitions on account of delay persist.

5. Prima facie, the petitioners / government servants have qualifying length of service to their credit and they gave various reasons to claim the interest on the delayed payments on the premise that they / their husband stood retired from services long ago; however, in violation of law, they have been denied the pensionary benefits / family pension, which has triggered the cause and hardship to the petitioners and / or families of deceased government employees to approach this court.

6. It appears that the pension / family pension and other service benefits of the petitioners have been withheld by the respondent departments, without assigning any cogent reason. In our view, pensionary benefits cannot be stopped and / or withheld on any account / charges; and, is violative of the law laid down by the Honorable Supreme Court in the case of *Haji Muhammad Ismail Memon, PLD 2007 SC 35*. Therefore, the Chief Secretary Sindh and the competent authority of the parent departments of the petitioners are bound to sit together and resolve the subject issue of the petitioners. However, it is made clear that respondent-departments and / or autonomous bodies could not take resort to the non-availability of funds to deprive the pensioners, if they take this plea, the Chief Secretary Sindh shall ensure the availability of funds to pay off the debt of pensioners; and, the delay shall not persist on account of technicalities and in case of non-compliance, this court will be left with no option but to enforce the judgment of Honorable Supreme Court rendered in the case of *Haji Muhammad Ismail Memon, supra*; and, consequences shall follow in terms of Article 204 of the Constitution, without providing further opportunity of hearing to the delinquent officials as sufficient time has already elapsed.

7. In the light of foregoing, we direct the Chief Secretary Sindh, to constitute a committee headed by him; and, the head of the concerned departments, where the petitioners/their families have served and retired from service. The representative of Accountant General Sindh's office and other accounts officers of the concerned departments shall attend the office of Chief Secretary, on the date and time so fixed by him, to resolve the issue of pension and service benefits of the petitioners, including family pension and other ancillary matters including arrears if

any outstanding, in its true perspective, within one month; and if they are entitled under the law, their pensions /service benefits must be released, if not already paid, strictly in terms of the ratio of the judgment passed by Honorable Supreme Court in the case of Haji Muhammad Ismail Memon, **PLD 2007 SC 35**. They are also directed to recalculate the pensionary benefits of the petitioners and increases accrued on the withheld pensionary benefits with effect from the date of their retirement to date and take prompt disciplinary action against all delinquent officials who in their lethargic attitude failed and neglected to release the service benefits of the petitioners. Such disciplinary proceedings shall be initiated against them forthwith and culminate into its logical conclusion within a reasonable time after providing meaningful hearing to them.

8. These petitions stand disposed of in the above terms. Let notice be issued to the Chief Secretary, Government, Sindh, the competent authority of respondents, Accountant General Sindh; and, the Accounts officers concerned, for compliance. Such compliance report be submitted through the Additional Registrar of this Court.

JUDGE

JUDGE

Karar_hussain/PS*