

Order Sheet

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
C.P. No.D-2071 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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For orders on office objections.
For hearing of main case.

24.01.2023

Ms. Tahrim Jawahery, Advocate for petitioners.
Mr. Rafique Ahmed Dahri, Assistant Attorney General for Pakistan.

The petitioners, who are the legal heirs of late Mushtaque Ahmed ('deceased'), have filed this petition seeking direction against respondents 2 to 5 to release the outstanding salary, gratuity, G.P. fund and other service benefits of the deceased. Respondents 2 and 4 as well as Assistant Secretary Board of Revenue Sindh Hyderabad have filed their comments wherein they have not disputed the entitlement of the deceased to any of the said amounts. In paragraph 5 of his comments, the said Assistant Secretary has admitted that the deceased did not draw his monthly salary since June 2009 till the date of his death viz. 08.10.2019. Despite the above, they have stated in their comments that the deceased never applied for release of his salary and or other benefits. The above stance taken by the respondents is absurd, shocking and absolutely unacceptable as the deceased was not required to demand his salary and or to apply for the same as he was entitled to the same on regular monthly basis as a matter of right. In fact, by not paying his salary on regular monthly basis, the respondents have not only deliberately and willfully denied the said valuable fundamental right of the deceased, but have also deprived him of such valuable right. Due to such illegal, irresponsible and careless attitude on their part, the deceased was deprived of his monthly salary for a long period of more than ten (10) years.

In the above circumstances, official respondents 1 to 5 are jointly and severally directed to deposit the entire amount pertaining to the outstanding salary, gratuity, G.P. fund and other service benefits of the deceased with the Additional Registrar of this Court without fail latest by **18.02.2023** along with profit thereon at the rate of 15% per annum. At the time of said deposit, they shall also submit a statement clearly showing the break-up of the above mentioned unpaid amounts and the profit thereon. The amount so deposited by the respondents shall be released in favour of the petitioners and other legal heirs of the deceased according to their entitlement as per Shariah. Let

notice be issued to respondents 1 to 5 for compliance. Learned AAG present in Court also undertakes to communicate this order to them. In case any of the above amounts is not deposited within the stipulated period, the Additional Registrar of this Court shall submit a reference before the Court for further orders. The petition stands disposed of in the above terms with no order as to costs.

J U D G E

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Muhammad Danish