

**ORDER SHEET
IN THE HIGH COURT OF SINDH,
BENCH AT SUKKUR**

C.P.No. D- 1289 of 2022

Date of hearing	Order with signature of Judge.
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Hearing of Case
For hearing of Main Case.

19-04-2023

Mr. Abdul Naeem Pirzada, Advocate for the petitioner.
Mr. Khuda Bux Chohan, Advocate for the respondents No.4 to 6.
Mr. Mehboob Ali Wassan, Assistant A.G.

The petitioner Muhammad Yousuf Balouch was appointed on 14.09.1993 as Sanitary Worker in SMC, Sukkur. He stood retired from service on 28.02.2018. Instant petition was filed on 13.10.2022 for releasing of gratuity and all pension benefits, as per his entitlement so also monthly pension from the date of his retirement onwards.

2. In response to the petition, comments have been filed by Resident Audit Officer, Local Fund Audit, District Sukkur, which reflects that the petitioner does not qualify for the pension either on superannuation or retiring pension, as defined under Rules 3.4 & 3.5 of the West Pakistan Civil Service Pension Rules, 1963, such clarification was also obtained from Director, Local Fund Audit, Sindh Karachi vide letter dated 17.08.2022.

3. Record reflects that petitioner remained absconded from duty since 28.02.2018 and his services were terminated on 23.05.2019 and thereafter he applied for his early retirement. Rule 2.11(C) of the Rules, being relevant is reproduced as under:

11. **Forfeiture of post service**: A Government Servant forfeits his past service in following cases.

(C) Absences from duty without leave.

The service required for retiring pension under Rule 3.5 is 25 years of qualifying service, while he rendered 24 years 05 months and 15 days; whereas, superannuation pension is granted to Government Servant who attains the age of 60 years, while as per record, the petitioner applied for retirement at the stage of 58 years, 04 months and 16 days. Hence, he also does not qualify for the superannuation pension. Learned counsel for the petitioner has failed to rebut the comments so filed by the Resident Audit Officer, Local Fund Audit Sukkur. He also could not refer any rule under that the petitioner is entitled for the service benefits prayed for.

4. Accordingly, this petition being devoid of any merit stands **dismissed**.

JUDGE

JUDGE

Ahmad