

**ORDER SHEET**

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

**Constitution Petition No. D-1206 of 2022***(Muhammad Azeem Mahar Vs. Province of Sindh & others)*

<b>DATE OF HEARING</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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**Before;*****Adnan-ul-Karim Memon, J;******Muhammad Abdur Rahman, J;*****Date of hearing and order: 23-05-2024.**

Mr. Ghulam Ali Bozdar advocate holds brief for Mr. Achar Khan Gabole, advocate for the petitioner.

Mr. Shehryar Imdad Awan, Assistant Advocate General, Sindh.

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**ORDER.**

***Adnan-ul-Karim Memon J:-*** Learned counsel for the petitioner submits that the monthly pension from 09.04.2020 to September 2020 and claim of 10% increase from July 2021 to March 2022 is still outstanding against the department, however, they are reluctant to release the increases in favour of the petitioner and he is rooming unnecessary.

2. Upon, query by this Court from the learned AAG as to why the monthly pension from 09.04.2020 to September 2020 and claim of 10% increase from July 2021 to March 2022 has been stopped. Learned AAG has submitted that 10%, 5%, and 17% increase of 2021, 2022, and 2023 of all retired pensioners, 1250 Could not be released as yet due to huge liabilities on Sindh Local Government Board over of Rs. 8500, million as pension arrears and commutation/gratuity. He added that the Additional Chief Secretary, the Local Government & Housing Town Planning Department has already floated the summary for the enhancement of pension funds which is under process with the Finance Department, Government of Sindh. He however added that the grievances of the petitioner/pensioners will be redressed as soon as the receipt of required funds from the Finance Department. Learned AAG pointed out that as per the Director, Local Fund Audit Sindh advice pension sanction order dated 19.07.2021 which has been prepared Rs.13,53,453.69 have been

paid/cleared, However, the remaining balance of Rs.1,87,109.47 could not be released till yet due to accumulation of huge pension liabilities of Rs. 8500 million on account of pension/commutation and arrears as yet to safeguard the livelihood of retired employees/widows of expired employees. Pension has been released on Monthly basis to the Petitioner / Pensioners. The amount of Pension arrears will be released on the enhancement of funds from the Finance Department, Government of Sindh. Be that as it may, it is for the competent authority to see this aspect of the case as the pension and other ancillary issues are to be resolved as early as possible by the competent authority in the terms of the decisions of the Supreme Court of Pakistan in the cases of I. A. Sherwani and others V/S Government of Pakistan through Secretary, Finance Division, Islamabad and others, **1991 SCMR 1041**, Re: Pensionary Benefits of the Judges of Superior Courts, PLD 2013 SC 829 and Haji Muhammad Ismail Memon, **PLD 2007 SC 35**.

3. In the light of the foregoing, we direct the Chief Secretary Sindh, to constitute a committee headed by him; and, the head of the concerned department where the petitioner has 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 the Chief Secretary, on the date and time so fixed by him, to resolve the issue of pension and service benefits of the pensioners, including increases on pension and other ancillary matters including arrears if any outstanding, in its true perspective, within one month; and if he is entitled under the law, his benefits must be released, if not already paid, strictly in terms of the ratio of the judgment passed by 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 petitioner and increases accrued on the withheld pensionary benefits with effect from the date of his 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 petitioner. Such disciplinary proceedings shall be initiated against them forthwith and culminate into a logical conclusion within a reasonable time after providing a meaningful hearing to them.

4. This petition stands 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 reports be submitted through the Additional Registrar of this Court.

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*Nasim/P.A*