

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
C.P No.D-190 of 2022

Date	Order with signature of Judge
1.	For hearing of CMA No.3714/2023
2.	For hearing of CMA No.3304/2022.

27.08.2024

Mr. Abdul Naeem Pirzada, Advocate for the Petitioner
Mr. Ghulam Muhammad, Advocate for Respondent No.5
Mr. Asfand Yar Kharal, AAG along with Naveed Qadir, Secretary UC
Sadhuja, Taluka Pano Akil, District Sukkur

A statement has been filed on behalf of Respondent No.3, giving calculation of share of Amjad, who is son of deceased from first wife Zakia Sultan, which suggests that in terms of monthly pension, his dues are to the extent of Rs.1,86,930/03 and with regard to gratuity, his share is Rs.1,02,132/16, which shares, per learned Counsel were paid to the petitioner in error. Counsel for the petitioner is willing to have both of these sums paid to Amajd; however from LPR dues which are yet to be paid to the petitioner. Counsel states that for such purpose in C.P No.D-315 of 2024, an order dated 22.05.2024 was passed, paragraph-7 of said order read as follows:-

“7. *In the light of the foregoing, we direct the Chief Secretary Sindh, to constitute a committee head by him; and, the head of concerned departments where the petitioners/their families have served and retired from service. The representatives of Accountant General Sindh’s office and other accounts officers of the concerned departments/heads of Market/ Municipal Committees 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 family pension and other ancillary matters including arrears if any outstanding, in its true prospective, 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 Supreme Court in the case of Haji Muhammad Ismail Memon, supra. They are also directed to recalculate the pensionary benefits of the petitioners and increases accrued on the withheld pensionary benefits/ arrears 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 to the petitioners. Such disciplinary proceedings shall be initiated against them forthwith and*

culminate into its logical concluding within a reasonable time after providing a meaningful hearing to them”.

Counsel states that despite passing of said order on 22.05.2024, the said committee has not been constituted. Learned AAG to look into this aspect of the case and ensure that compliance of aforesaid order is made and appropriate committee is constituted and whatever LPR dues are calculated, let a lien thereof to the Amjad to the extent of above sums be maintained. At this juncture, UC Secretary, Sadhuja states that Director, Local Audit Fund has yet to finalize pensionary and other benefits to the petitioner as well as Amjad. Learned AAG also to ensure that such proceedings are instituted so that the appropriate calculation could be furnished by Director, Local Audit Fund, preferably within a period of thirty days.

Instant petition stands disposed of in the above terms.

JUDGE

JUDGE

Faisal Mumtaz/PS