

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
C.P No. D-1717 of 2020

Dated _____ Order with signature of Judge.

Hearing of case.

1. For orders on CMA No.20659/2025.
2. For hearing of main case

26.01.2026.

Mr. Muhammad Riaz, Advocate for Petitioners.
Mr. Wasif Riaz, Advocate for Respondent Nos.2 and 3.
Mr. Ali Safdar Depar, AAG.

Through the instant petition, the Petitioners seek the following relief(s):

- a) Government of Pakistan, Finance Division (Regulation Wing) O.M No.F-4 (i) Regulation-6/2010 dated 5th July 2010 relating to increase in pension w.e.f. 01/07/2010
- b) Government of Pakistan, Finance Division (Regulation Wing) O.M No.F-2 (3) Regulation-6/2010 dated 5th July 2010 relating to increase in family pension w.e.f. 01/07/2010.
- c) Also Direct the respondents to implement the contents of Para No.12 of the Government of Pakistan Finance Division (Regulation Wing) OM. No.F-1 (5) imp 2011-419 dated 4th July 2011 relating to increase in pension w.e.f 01/07/2011 for petitioners and all other pensioners, as like already implemented by the respondents' government orders relating to increase in pension in the years 2009, 2008, 2007, 2006, 2005, 2004, 2003 and so on.
- d) Any other relief or relief(s) which this Honourable Court, may deem fit and proper under the circumstances of the Petition.

2. The case of the petitioners is that they are retired officers of the Agricultural Development Bank of Pakistan (ADB) during the 1990s, and have filed this petition seeking implementation of periodic pension increases. They submit that the ADB adopted the Employees Gratuity & Pension Regulations (1977-78), approved by the Ministry of Finance, which guaranteed that any revision in pension rates by the Federal Government would also apply to ADB/ZTBL officers. It is submitted that ADB/ZTBL pensioners received periodic increases aligned with Federal Government civil servants' pensions, a practice continuing until

2009. However, no increases were granted w.e.f. 01/07/2010, violating the adopted 34-year-old policy. It is added that the ADBP Employees Pension & Gratuity Regulations, 1981 (SRO 1352(i)/1981) are statutory, still operative, and protected under Section 6 of the ADBP Reorganization & Conversion Ordinance, 2002, which transferred ADBP assets, liabilities, and obligations to ZTBL. ZTBL has issued multiple circulars from 2003 to 2009 granting pension increases, consistent with government practice. It is emphasized that despite Federal Government announcements of further increases in 2010–11, ZTBL has neither implemented these nor responded to repeated requests, causing financial hardship to pensioners and their families.

3. The petitioners' counsel prayed for their pension to be increased from 01.07.2010 in accordance with the Regulations.

4. Learned counsel for ZTBL denies any legal obligation to implement Federal Government-mandated pension increases. However, he acknowledges records and circulars but argues that ADBP/ZTBL pension regulations are statutory Bank regulations, not Federal Government directives. He added that any adoption of government pension policy forms part of internal Bank instructions, not binding on ZTBL. He submitted that after ADBP's conversion into ZTBL under the Reorganization & Conversion Ordinance 2002, employees/pensioners retained pre-existing terms, but the Board of Directors (ZTBL) holds the sole authority to decide service and pension matters. It is submitted that the ZTBL Board remained non-functional from June 2017 to February 2021, delaying consideration of pension increases. Actuarial valuations as of 31/12/2020 show a pension fund deficit of Rs. 8.385 billion, which constrains any additional pension grants. However, the petitioners continue to withdraw pensions according to the Bank's approved policies. The Bank's counsel asserts that no statutory provision mandates pension increases in line with the Federal Government civil servants' pensions. Accordingly, the petitioners' claims and prayers are false, misleading, and without legal basis. Learned counsel for the respondents referred to the Office Order dated 10.11.2022, which granted a 5% increase in net family pension from 01.07.2023, to continue annually until further revision. Since the Board has addressed the matter, no further

increase is required as the petition has become infructuous in the light of the decision of the Board as discussed supra.

5. However, counsel for the petitioner cited the case *Mrs. Kaneez Fatima Abro & 9 others vs. President, Zarai Taraqiati Bank Ltd.*, where the supreme Court held that retired officers cannot be denied benefits under the Bank's policy and directed the Bank to pay arrears and continue pensions accordingly. An excerpt of the order is reproduced as under:-

"On the other hand, Mr. Sananullah Noor Ghouri, the learned counsel for the respondent Bank submits that since after filing of the petition, certain benefits in terms of the aforesaid policy have been extended to the petitioners, the petition has become infructuous and for such benefits, which are being claimed by the petitioners and which still have not been extended to them the petitioners should have filed a separate petition. In our view, the argument is wholly untenable and misconceived. Through the instant petition, the petitioners are seeking enforcement of the aforesaid policy and since the Zarai Taraqiati Bank Limited in terms of the aforesaid Ordinance and the subsequent Board meeting have adopted the above policy, they are obliged to give all benefits to those of their officers/executives, who have retired during the relevant time and those amongst the petitioners, who have retired on 1-7-1999 cannot be denied benefits of such policy. We would, therefore, allow the petition by directing the Zarai Taraqiati Bank Limited to fulfil their obligation in terms of the above policy and to pay to those amongst the petitioners, who have retired on or after 1-7-1999 the arrears, which may have become due to them in terms of the aforesaid policy and to continue to pay to the said petitioner their pension/family pension in consonance therewith."

6. We have heard the learned counsel for the parties and perused the record with their assistance.

7. We have noticed that the petitioner's case needs to be looked into under the policy adopted by Zarai Taraqiati Bank Limited, as per the relevant Ordinance and Board resolution.

8. The argument by the respondent that the petition has become infructuous is untenable, as the petition seeks enforcement of an existing policy and ensures that no retired officer is denied the benefits due.

9. Accordingly, the petition is disposed of as per policy and law, and the Bank is directed to pay all arrears and benefits to those petitioners who retired on or after 01.07.1999 in accordance with the policy and continue to pay the pension/family pension to such

petitioners in conformity with the policy. The Bank is under a legal obligation to implement its policy consistently and fully for all eligible retired officers/executives.

JUDGE

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