

IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD

Before:

Mr. Justice Arbab Ali Hakro
Mr. Justice Riazat Ali Sahar

C.P. No.D-1370 of 2024

For order on office objection.

For hearing of MA No.512/2026

For orders on MA No.6266/2025.

For hearing of MA No.6509/2024.

For hearing of main case.

Petitioner present in person.

Mr. Kamaluddin advocate for respondents-University.

Mr. Muhammad Ismail Bhutto, Additional Advocate
General, Sindh.

Amicus Curiae Mr. Ashraf Janwari, Additional District
Accounts Officer-II, D.A.O. Hyderabad.

Date of hearing and order: - 10.03.2026.

ORDER

RIAZAT ALI SAHAR, J:- The petitioner, Mst. Shabana, widow of late Zulfiquar Ali Shah, approached this Court seeking grant of family pension upon the death of her husband, who served as Telephone Technician (BPS-04) in the respondent-University from 11.03.2013 till his demise on 08.12.2021. The deceased rendered continuous service of about nine years; however, his claim for pension was declined on the ground that the minimum qualifying service of ten years had not been completed. This Court, vide order dated 26.02.2026, observed that the deficiency was marginal and that pensionary benefits, being welfare-oriented, require liberal interpretation. In order to ascertain whether such deficiency could be condoned under the relevant rules, this Court appointed learned **Amicus Curiae** to examine the matter and submit a comprehensive report.

2. The learned **Amicus Curiae**, after examining the service record and applicable rules, has reported that under Notification dated 12.03.1997 issued by the Finance Department, Government of Sindh, deficiency in qualifying service for pension purposes, even one year less becoming a qualifying service, may be condoned with the

approval of the Finance Department. It is further opined that the present case falls within the ambit of such condonation, as the deceased employee had rendered nearly nine years of service and died during service. The learned ***Amicus Curiae*** has, therefore, recommended that the case of the petitioner be referred to the Finance Department through the Secretary, Universities and Boards, Government of Sindh, for approval.

3. In view of the above and considering the welfare nature of family pension, as well as the marginal deficiency in qualifying service, we find substance in the report of the learned ***Amicus Curiae***. The matter pertains to condonation of deficiency, which squarely falls within the jurisdiction of the Finance Department and the competent authority. Accordingly, the petitioner is directed to approach the Finance Department, Government of Sindh, through the Secretary, Universities and Boards, by submitting a proper representation along with all necessary documents. Upon such approach, the concerned department shall ensure that the case of the petitioner is placed before the competent authority for consideration. The competent authority shall examine the petitioner's claim sympathetically keeping in view the applicable rules, policy and the observations made herein, and shall pass a reasoned order in accordance with law within a reasonable time.

4. The petition stands **disposed of** in the above terms along with listed applications.

JUDGE

JUDGE

Abdullahchanna/PS