

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**  
**Constitution Petition No. D-604 of 2025**  
*(Abdul Ghaffar Shaikh Vs. P.O Sindh & others)*

*Constitution Petition No.D-1081 of 2024*  
*(Abdul Ghaffar Vs. P.O Sindh & others)*

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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**Before;**

*Adnan-ul-Karim Memon, J;*  
*Abdul Hamid Bhurgari, J;*

Mr. Imtiaz Ali Abbasi advocate for the petitioner.  
 Mr. Rukhsar Ahmed Junejo advocate for respondents No. 2 & 3  
 Mr. Israr Ahmed Shah, Assistant Advocate General, Sindh.

**Date of hearing and order: 15-06-2026.**

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**ORDER.**

**Adnan-ul-Karim Memon J:-** The petitioner, through the instant petition, seeks direction to the respondents to release all retirement benefits, including monthly pension, and to submit a compliance report before the Court. He further prays that the respondents' failure to release such benefits be declared illegal, unlawful, and without lawful authority.

2. The case of the petitioner is that he was appointed as an Accounts Clerk in the Sindh Small Industries Corporation (SSIC) on 23.05.1989 and served in a Women Division Project at Carpet Centre, Sobhodero. During his service, his employment was terminated on 01.01.2004 along with other project employees after the closure of Women Division projects. He alleges that the termination was illegal as it was carried out without proper procedure or a show-cause notice. He challenged the termination before the competent authority, which on 22.01.2019 set aside the termination and reinstated him in service. However, the petitioner contends that despite reinstatement, he was not granted back benefits for the period from 01.01.2004 to 22.01.2019. According to him, this period was wrongly excluded from his service record, no seniority list was updated, and he was denied promotion benefits despite rules providing for restoration of service benefits

after reinstatement. He pointed out that during the pendency of his earlier constitutional petition No. D-1081 of 2024, the petitioner retired on 03.10.2024. After retirement, he approached the department for the release of pension and other retirement benefits, but alleges that the respondents did not finalize his claims as discussed supra and kept him waiting for a decision on his pending grievance. He therefore approached this Court seeking direction for the release of pension and all retirement benefits, a declaration that the respondents' actions were unlawful, and any other appropriate relief.

3. In response, SSIC's counsel submitted that the petitioner was initially appointed in a Women Division Project and remained a project-based employee rather than a regular cadre servant. He stated that the Women Division Projects were closed in 2003-2004, and employees, including the petitioner, were terminated accordingly. However, the petitioner received his final dues and signed an undertaking acknowledging his status as a project employee and agreeing not to litigate further. He further argued that although the petitioner was reinstated in 2019, this did not change his status as a project employee, and since no such project existed afterward, he could not claim regular service benefits for the terminated period. He also contended that his actual post-reinstatement service was less than six years before retirement at the age of 60, making him ineligible for pension under applicable rules. He therefore requested dismissal of the petition and also submitted that internal departmental reviews regarding the reinstatement order were/are still pending before the competent authorities. He prayed to dismiss this petition in alternative he prayed that the competent authority may be directed to decide the review within a reasonable time.

4. From the record and arguments advanced by learned counsel for the parties, it appears that the petitioner's grievance essentially revolves around the counting of his service period and consequential entitlement to pension and other retirement benefits. The petitioner asserts that after his reinstatement vide order dated 22.01.2019, the entire intervening period from 01.01.2004 to 22.01.2019 ought to have been treated as qualifying service along with seniority and all consequential benefits, whereas the respondents have declined the same on the premise that the

petitioner remained a project employee and had already been terminated upon closure of Women Division Projects.

5. It is an admitted position that the petitioner's initial engagement was within a project-based setup, which was subsequently closed, resulting in termination of services along with other similarly placed employees. It is also a matter of record that the petitioner's termination was later set aside, and he was reinstated in service. However, the legal effect of such reinstatement, particularly about back benefits, notional service, and pensionable service, is dependent upon the applicable service rules, the nature of the initial appointment, and the terms on which reinstatement was granted. Mere reinstatement does not ipso facto confer automatic entitlement to monetary benefits or continuity of service unless specifically provided under the governing rules or expressly ordered by the competent authority.

6. The respondents have taken a consistent stance that the petitioner was not a regular cadre employee but a project-based employee under the Women Division Projects, which were time-bound in nature and ultimately closed. They have further pointed out that the petitioner had received his final dues at the time of termination and had also executed an undertaking acknowledging his status and settling his claims. If such documents exist on record and are not legally set aside, they carry evidentiary and legal weight, particularly regarding waiver or settlement of past claims.

7. Moreover, a pension is not a matter of absolute right but is governed strictly by the relevant pension rules, which require completion of qualifying service as defined under the applicable statutory framework. The respondents' contention that the petitioner's post-reinstatement service falls short of the required qualifying period for pension, if correct in terms of record and rules, would materially affect his entitlement. At the same time, the disputed period of absence from service cannot be automatically counted without a clear judicial or departmental determination recognizing it as qualifying service with all consequential benefits.

8. In such circumstances, where (i) the status of service (regular vs project-based), (ii) effect of termination and reinstatement, (iii) validity of alleged undertaking, and (iv) counting

of intervening period for pension are all disputed questions requiring examination of service record and applicable rules, the matter cannot be conclusively adjudicated without proper factual determination by the competent departmental forum, unless clear illegality or violation of mandatory statutory provisions is established.

9. However, it is also a settled principle that administrative authorities cannot keep employees' legitimate post-retirement dues in abeyance indefinitely based on internal correspondence or pending reviews. Even where disputes exist, admitted retirement benefits corresponding to undisputed service are required to be released without unreasonable delay, while disputed claims may be adjudicated separately in accordance with law.

10. Accordingly, while full acceptance or rejection of the petitioner's claim would depend upon proper scrutiny of the service record and applicable rules by the competent authority, the respondents are under a legal obligation to finalize the petitioner's pensionary and retiral benefits expeditiously in accordance with law. Any lawful entitlement which is not in dispute shall be released forthwith, whereas any contested issue regarding counting of service or back benefits shall be decided through speaking order after providing due opportunity of hearing to the petitioner.

11. In view of the above, these petitions, along with pending applications are disposed of with direction to the competent authority of the respondents to examine and decide the petitioner's claim regarding pension and other retirement benefits strictly in accordance with law, rules, and service record, within two months, including review application, if any; and to release any admitted benefits without delay. It is further observed that the petitioner shall be at liberty to avail an appropriate remedy in accordance with law against any adverse determination.

**Judge**

**Judge**

