

IN THE HIGH COURT OF SINDH, KARACHI

C. P. NO. D-1728 / 2026

(Mst. Shireen Begum Vs. Federation of Pakistan & Others)

Present:

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Muhammad Jaffer Raza

Date of hearing and order: 18.08.2026

Mr. Sajjad Ali, Advocate for Petitioner.
Ms. Wajiha Mehdi, Deputy Attorney General.
Mr. Sajid Ali A.D. Legal (Pakistan Railways).

Adnan-ul-Karim Memon, J. The Petitioner Mst. Shireen Begum has filed this Petitions under Article 199 of the Constitution of Islamic Republic of Pakistan seeking the following reliefs: -

- a. To direct the Respondents to release amount / act according to Notification of Cabinet Secretariat Establishment Division, Government of Pakistan, Islamabad in continuation of Notification OM Ni7/40/2005-2 dated 13 June 2006, OM No.8/10/2013-E-3, dated 20 October 2014 OM. No. 8/10/201E IPT) dated 25 May of 2015 for Assistance Package for Families of Government Employees, as per its spirit.
- b. To direct the Respondents to release the amount Gratuity / Insurance, Lum Sum Amount, Marriage grant amount on the wedding of one daughter, cash payment in lieu of plot amount and appointment as under the Prime Minister Assistant Package of Government Employee Policy of Late Muhamad Saleem, the deceased Husband of the petitioner in accordance with the law.
- c. That this Court had already been allowed these Petitions bearing Nos. 370 to 377 of 2022 vide order dated 04.03.2025, as well as Petitions Nos. 5020 and 5021 of 2021, which were of a similar nature. It is, therefore, most humbly prayed that the present Petition may also be allowed on the basis of the same reasoning and in line with the said orders/judgments.
- d. To Direct the Respondent No.7 compliance the letter No.DWO/PRP/2208/2023 Dated. 06.09.2024, for Appointment of deceased son namely Muhammad Osama Siddiqui as Sub-Engineer under PMA Package issued appointment letter with from his eligibility with approval the relevant higher Authorities.”

2. The petitioner, Mst. Shireen Begum, widow of late Muhammad Saleem, has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution, seeking directions to the respondents for release of the remaining benefits under the Prime Minister’s Assistance Package for families of government employees who die in service. Her husband, Muhammad Saleem, was serving as a Police Constable (BPS-05) in Pakistan Railways and died during service on 02.05.2020, leaving behind the petitioner and two daughters. According to the petitioner, although the respondents released certain service benefits, including G.P. Fund, gratuity and family pension, the remaining benefits under the Assistance Package, including lump-sum assistance, group insurance, payment in lieu of plot, marriage grant and appointment of a legal heir, were not provided. The petitioner contends that she repeatedly approached the concerned authorities for implementation of the applicable Office Memorandum and

Assistance Package but received no effective response. She particularly claims that the marriage grant was required for the marriage of her daughter Naila Saleem, held on 20.01.2021, and that she had to arrange the expenses through loans. She also relies upon judgments of this Court in Constitution Petitions Nos. 370-377 of 2022, 1106-1108 of 2022, 1038 of 2022 and 5020-5021 of 2021, seeking similar relief on the basis of the principles laid down therein. The petitioner further seeks appointment of the deceased employee's son, Muhammad Osama Siddiqui, as Sub-Engineer pursuant to departmental correspondence dated 06.09.2024. Accordingly, the petitioner seeks appropriate directions for release of the admissible benefits under the applicable Assistance Package, whereas the respondents seek dismissal of the petition on the grounds that the claims are subject to policy, eligibility, budgetary and procedural requirements and that no unlawful action or omission on their part has been established.

3. The respondents, in their parawise comments, oppose the petition and raise preliminary objections regarding maintainability, disputed questions of fact, availability of alternate remedies, delay and the petitioner's alleged failure to fulfill the requisite codal formalities. They maintain that appointment under the Prime Minister's Assistance Package is not an absolute or vested right and is subject to the applicable policy, eligibility, availability of vacancies and approval of the competent authority. They further rely upon the judgment of the Supreme Court in *General Post Office, Islamabad & others v. Muhammad Jalal* (C.P. No.3390 of 2021, decided on 18.10.2024), whereby appointment of family members of deceased government employees without open competition was declared unconstitutional. Consequently, the Establishment Division issued Office Memorandum dated 07.02.2025 withdrawing the provision for regular appointment under the Assistance Package. The respondents further state that substantial service benefits have already been paid to the petitioner, including G.P. Fund of Rs.316,132/-, leave encashment of Rs.177,837/-, commutation of Rs.789,197/-, besides regular family pension. As regards the remaining claims, they submit that the lump-sum Assistance Package is under process but is presently affected by non-availability of budget; the marriage grant has not been processed because no application was submitted; payment in lieu of plot is subject to the requisite NOC; and the group insurance claim has already been forwarded to the concerned office and awaits release of payment. Benevolent Fund payment has also been made. The respondents therefore contend that the remaining benefits are either under process, subject to budgetary allocation, or dependent upon fulfillment of procedural requirements, and deny any deliberate inaction or violation of the petitioner's rights.

4. Upon consideration of the pleadings, parawise comments, documents placed on record and the applicable legal position, this Court is of the view that

the petitioner, being the widow of a deceased government employee who died during service, is entitled to consideration of her claim for the admissible benefits under the Prime Minister's Assistance Package strictly in accordance with the policy applicable on the date of death of the deceased employee. It is an admitted position that late Muhammad Saleem, while serving as Police Constable (BPS-05) in Pakistan Railways, died in service on 02.05.2020. The respondents have also acknowledged that, although several benefits have already been paid, certain claims of the petitioner are still either under process or have not been finally decided. Thus, the grievance of the petitioner cannot be discarded altogether merely on the ground that some benefits have already been released.

5. At the same time, the constitutional jurisdiction of this Court cannot be exercised for directing payment of any benefit which is not legally admissible or for granting an appointment contrary to the prevailing law. The petitioner can claim only those benefits which were available to her under the applicable Assistance Package and other relevant rules/policies, subject to fulfillment of the prescribed conditions. In this regard, the subsequent judgment of the Hon'ble Supreme Court in *General Post Office, Islamabad & others v. Muhammad Jalal* (C.P. No.3390 of 2021, decided on 18.10.2024), declaring appointment of the family members of deceased government employees without open competition to be unconstitutional, has materially affected the claim for appointment of the deceased employee's son. Consequently, after issuance of Office Memorandum dated 07.02.2025 withdrawing the provision for regular appointment under the Assistance Package, no mandamus can lawfully be issued for appointment of Muhammad Osama Siddiqui as Sub-Engineer under the withdrawn policy. The departmental letter dated 06.09.2024, by itself, cannot create a vested right of appointment contrary to the subsequent binding declaration of law by the Hon'ble Supreme Court.

6. As regards the monetary benefits, however, the position is distinguishable. The respondents themselves acknowledge that the lump-sum assistance is under process, that the group insurance claim has already been forwarded to the concerned office, and that payment in lieu of plot is subject to the requisite NOC. Likewise, the marriage grant has been declined/kept unprocessed on the ground that no application was submitted. These explanations do not justify indefinite withholding of benefits which are otherwise admissible under the applicable rules. Administrative or budgetary constraints may regulate the manner and timing of disbursement, but cannot ordinarily be used as a permanent ground for denying a lawful entitlement. The respondents are therefore required to process and decide each outstanding claim objectively, transparently and strictly in accordance with the policy and codal requirements.

7. The reliance placed by the petitioner upon earlier judgments of this Court in Constitution Petitions Nos.370-377 of 2022, 1106-1108 of 2022, 1038 of 2022 and 5020-5021 of 2021 may assist her only to the extent that the factual and legal circumstances of those cases are materially identical. Such orders cannot confer an entitlement which has subsequently been taken away or declared unconstitutional by the Hon'ble Supreme Court. Nevertheless, the principle that a legitimate claim of a bereaved family under an applicable government assistance scheme should be considered fairly and within a reasonable time remains applicable.

8. Consequently, the petition merits partial acceptance. The respondents are directed to examine and finalize, within two months, all outstanding claims of the petitioner, including lump-sum assistance, group insurance, payment in lieu of plot and marriage grant, strictly in accordance with the Assistance Package, applicable Office Memoranda, rules and fulfillment of the prescribed formalities. Where any document, NOC, application or other codal requirement is deficient, the concerned authority shall communicate the deficiency to the petitioner in writing and provide her reasonable opportunity to complete the same. Upon completion of the requisite formalities, the admissible amount shall be released without unnecessary delay and communicate a speaking and reasoned decision to the petitioner regarding each outstanding claim.

9. However, the prayer seeking appointment of Muhammad Osama Siddiqui as Sub-Engineer under the Prime Minister's Assistance Package cannot be granted in view of the binding judgment of the Hon'ble Supreme Court in *General Post Office, Islamabad & others v. Muhammad Jalal* and the subsequent withdrawal of the appointment provision through Office Memorandum dated 07.02.2025. Any appointment, if otherwise permissible, must necessarily be made through a lawful recruitment process and in accordance with the prevailing rules and constitutional requirements.

10. Accordingly, the petition is partly allowed in the above terms. The respondents shall not deny or indefinitely delay any benefit which is found legally admissible to the petitioner merely on the ground of administrative inaction or unexplained delay.

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