

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 1114 of 2024

(Mst. Babli Devi v. Province of Sindh & others)

Present:

Mr. Zulfiqar Ali Sangi, J.

Mr. Abdul Hamid Bhurgri, J.

Date of hearing : **13.05.2025**

Date of decision : **13.05.2025**

Mr. Abdul Naeem Pirzada, Advocate for petitioner.

Mr. Shahryar Imdad Awan, Assistant Advocate General Sindh along with Zafar Iqbal Phulpoto, Regional Director, Local Government, Sukkur on behalf of Additional Chief Secretary, Local Government Sindh, Karachi.

ORDER

Abdul Hamid Bhurgri, J. – Through this constitutional petition, the petitioner seeks the following reliefs:

- (a) *To direct the respondent No.05 to 08 to transfer the monthly pension rights/benefits in favor of the petitioner being widow daughter of the deceased mother her died as natural death, and respondent No.04 to 08 immediately release the all arrears, monthly pension as per entitlement, in accordance with pension rules and law so also to continue her monthly pension onward without any delay in future without any interruption or hindrance so that she may pass her remaining life with peace of mind.*
- (b) *To award the cost.*
- (c) *To grant any other equitable relief, which this Honorable Court may deem fit and proper under the circumstances of the case, in favour of the petitioner.*

2. The factual matrix of the case unfolds thus: the petitioner's mother, Mst. Shanti Devi, had served as a Lady Sanitary Worker under the Sukkur Municipal Corporation and was receiving her pension following her superannuation, vide Office Order No. TMA/GB/Estt/-260/2012 dated 05.11.2012. Upon her demise on 31.08.2015, she was survived by several

legal heirs, including the petitioner, who is one of her daughters and a widow. List of legal heirs is as under:

S. No.	Name	Relationship	Age
1.	Nanak Ram	Son	70 years
2.	Hari Chand Bidhlan	Son	50 years
3.	Nanki	Daughter	70 years
4.	Lali	Daughter	58 years
5.	Rani Devi	Daughter	48 years
6.	Kisna	Daughter	68 years
7.	Indra Munnu	Daughter	57 years
8.	Babli Devi	Daughter	45 years

3. It is further contended that the petitioner’s spouse expired on 10.02.2014, rendering her a widowed daughter. Pursuant to this, she submitted an application seeking continuation of her late mother’s pension. However, the competent department declined the same on the basis of a Circular No. FD(PCDC)3(225)/2022 dated 05.12.2022, arguing that a widowed daughter does not fall within the ambit of eligible dependents.

4. The petitioner strongly asserts that as per Clause (ii) of Rule 4.10.2(A) of the Pension Rules, 1963, she, being a divorced and dependent daughter at the time of her mother’s demise, was squarely within the class of legal heirs entitled to family pension. It is further urged that she is presently facing financial adversity, having no independent means of livelihood, and that the respondents, actuated by mala fides and lethargy, have unlawfully withheld her late mother’s pensionary benefits, thereby compelling her to seek judicial redress.

5. Respondent No.5 (Municipal Commissioner, Sukkur Municipal Corporation) submitted his comments, asserting that the Family Registration Certificate (FRC) issued by NADRA, and the Heirship Certificate issued by the Mukhtiarkar, indicate birth dates that are chronologically implausible. It was contended that the mother’s date of birth is recorded as 24.09.1952, while her daughter Kishna is recorded as having been born on 01.01.1952, an impossibility. Likewise, other siblings, Nanki and Nanak Ram, are stated to have been born on 01.01.1954 and 01.04.1954 respectively, suggesting that the mother was merely 18

months old at their birth. Such contradictions in the FRC render the document unreliable for pension proceedings.

6. Heard learned Counsel and perused the material placed on record.

7. It emerges from the documentary evidence annexed with the petition, particularly the FRC, that the recorded birth dates do not reflect an accurate picture and are replete with inconsistencies. Furthermore, although the petitioner asserts that her husband predeceased her mother, no substantiating documentary evidence has been provided to that effect. This casts doubt upon the petitioner's bona fides and constitutes an approach to this Court with unclean hands.

8. Prima facie, the materials submitted alongside the petition appear contrived to secure exclusive benefit of the family pension, to the exclusion and detriment of other legal heirs of the deceased. The principle that "he who seeks equity must do equity" is clearly attracted.

9. Upon an overall appraisal of the facts, it is apparent that the petitioner has failed to make a full and frank disclosure of relevant facts. Her own annexures, including the Heirship Certificate dated 25.06.2024, disclose the presence of other legal heirs, some of whom are demonstrably older than the deceased, a further indication of fabrication or error in official records.

10. In view of the foregoing, we are of the considered opinion that the petitioner is not entitled to the relief sought. The petition is accordingly **dismissed**, with no order as to costs. However, this shall not preclude the other legal heirs of the deceased, Mst. Shanti Devi, from approaching the competent authority for redress in accordance with law, should they be eligible for the family pension of their deceased mother.

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