

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Const. Petition No.D-322 of 2024

**For Directions**

1. For Orders on CMA No 5891 / 2024
2. For hearing on CMA No 5892 / 2024

**Present:**

***Mr. Justice Muhammad Saleem Jessar***

***Mr. Justice Nisar Ahmed Bhanbhro***

Petitioner: Guloo Shaikh,  
Through Mr. Ihsan Ali Lund Baoch, Advocate

Respondents: Province of Sindh and others  
Through M/s Ghulam Abbas Kuber and Zulfiqar Ali Naich,  
Assistant Advocate General  
Dr. Mushtaque Ali Bhanbhro, Additional District Health  
Officer, Khairpur and Muhammad Idrees, Assistant Accounts  
Officer, District Accounts Office, Khairpur.

Date of hearing: **12.08.2025**

Date of decision: **20.08.2025**

**O R D E R**

**Nisar Ahmed Bhanbhro, J:** By way of the order dated 25.04.2024; the instant petition was disposed of, by a Learned Division Bench of this Court. The operative part of the order reads as under;

*“District Health Officer, Khairpur is present and submits that in fact petitioner retired from his service in 2017 but continuously withdrew salary online till 2023 and thereafter filed an application seeking retirement benefits without submitting any record for processing his case. Further submits that if any record is submitted by the petitioner, they would act in accordance with law and would conduct an inquiry as far as the period of six years in which he has withdrawn salary is concerned, and would take action in accordance with law, as per rules.*

*Petition is, therefore, in the above terms, stand disposed of with cost”.*

**2.** Petitioner filed CMA No.5892/2024, seeking implementation of order dated 25.04.2024.

**3.** The notices were issued to the Respondents to submit inquiry report if conducted by the department for deciding the period of Six Years for which petitioner rendered duty and received salary from the department.

**4.** The District Health Officer, Khairpur, submitted reply along with the inquiry report. The report furnished by the District Health Officer Khairpur revealed that pursuant to order passed by this Court an inquiry committee headed by Director Health Service Sukkur was constituted by Secretary Health Government of Sindh to probe into the retirement issue of Petitioner. Director Health Services, Sukkur conducted inquiry into the matter and after thorough scrutiny of record, it transpired that the petitioner's date-of-birth at the time of his appointment was entered as 18.08.1957. Petitioner got fresh CNIC in the year 2014 wherein his date-of-birth was written as 1963. He got recoded date-of-birth in the SAP Payroll system in the District Accounts Office, Khairpur as 26.05.1963, therefore, he continued in the services until 25.05.2023 and submitted an application for issuance of his retirement notification from the said date. Petitioner was conveyed retirement through letter dated 04.11.2024. The Inquiry Officer reached the following conclusion:

#### **6. Conclusion**

- *The delay in identifying the employee's superannuation was the result of inconsistent recordkeeping failure of cross-verification, and systemic administrative oversight. Although The employee's actual date of birth is to be considered as per the Medical Fitness Certificate (i.e., year 1957)*
- *The employee should have retired in accordance with this date; any continuation of service beyond this point is unauthorized and irregular.*
- *The employee's deliberate attempt to misrepresent his age using a favourable entry in the SP system demonstrates ill intention and manipulation, aimed at unlawfully prolonging his government services.*
- ***.Recovery of Overpaid Salaries:*** *Financial authorities may determine the amount of salary paid post-superannuation and take appropriate measures for recovery.*
- ***Audit of SAP Data Entry:*** *The Accounts Office, Khairpur should be formally requested to explain and provide documentation on how the employee's incorrect date of birth was entered into the SAP system.*
- ***System-wide Review:*** *Similar discrepancies should be identified by conducting a department-wide audit of employee record.*
- *It is pertinent to mention that prior to this inquiry, an inquiry was conducted by the District Health Officer, Khairpur, in compliance with the order passed by the Honourable High Court, Sindh Bench at Sukkur, dated (insert date of court order) in C.P NO:D-322/2024. Inquiry report attached (Annexure-V).*

*This situation underscores the need for stricter control mechanisms and policy enforcement within the department. It is further stated that this matter came to the knowledge of this present District Health Officer, Khairpur, in the 2024, after assuming the charge of office. All lapses and irregularities pertaining to this case occurred during the tenure of the previous District Health Officer.*

*The District Health Office, Khairpur, has now rectified the record and processed the employee's retirement in accordance with the applicable rules."*

5. The District Accounts Officer Khairpur in its reply dated 12.08.2025 stated that the monthly pension of the Petitioner was already released from 04.11.2024. The remaining dues were withheld for recovery of excess amount of salary paid to the Petitioner from 18.08.2017 to 31.05.2023 as confirmed by the administrative department vide letter No SO (PM-II)9-322/24 dated 16.07.2025. The withheld amount of Rs 35,09,721 has been adjusted against the pointed out over payment and the recovery of remaining amount of Rs 4,86,949 was initiated via monthly instalments of Rs 15,267 in SAP System.

6. We have heard the learned counsel for the parties and perused the material available on record.

7. We are agreed to the stance taken by M/S Ghulam Abass Kubar and Zulfiqar Ali Naich, Learned AAG Sindh that date of birth of an employee once recorded at the time of joining of government service cannot be altered at subsequent stage. Date of birth of the Petitioner at the time of joining the duty was recorded as 18.08.1957. Petitioner stood retired from service on attaining the age of superannuation on 17.08.2017, the age of sixty years. In the province of Sindh, the services of the civil servants are regulated under the provisions of Sindh Civil servants Act, 1973 (SCS, Act) and Sindh Civil Servants (Appointment, Promotion & Transfer) Rules 1974 (APT Rules). Rule 12-A of the APT Rules provided that the date of birth of a civil servant once recorded at the time of joining the government job, shall be treated as final and could not be altered at subsequent stage. Rule 12 – A reads as under:

*[12-A. The date of birth once recorded by a civil servant at the time of joining Government Service shall be final and no alteration thereafter shall be permissible.]*

8. Per record, petitioner was appointed in the government service as Sanitary Worker vide appointment letter dated 18.08.1977. Date of birth of the Petitioner, at the time of joining the government service, was entered as 18.08.1957. Petitioner remained silent and did not challenge to the said entry in the service record, as such his date of birth as 18.08.1957 would be treated as final in terms of Rule 12 – A of the APT Rules. The date of birth entered in the SAP system of Accounts Office or recorded in CNIC would not be relevant for the purposes of deciding the date of retirement. The notification dated 04.11.2024 issued by Respondent No 4 conveying the retirement of the Petitioner from 17.08.2017 on attaining the age of superannuation thus did not suffer from any illegality or irregularity.

9. This view finds support from the judgment of Honorable Supreme Court in the case of CHIEF SECRETARY, GOVERNMENT OF BALOCHISTAN, QUETTA and others Versus ASMATULLAH KAKAR reported as 2020 S C M R 1678, MUHAMMAD

KHALIQ MANDOKHAIL Versus GOVERNMENT OF BALOCHISTAN through Chief Secretary, Civil Secretariat Quetta and another reported as 2021 S C M R 595, INSPECTOR GENERAL OF POLICE, BALOCHISTAN, QUETTA and others Versus MOHIBULLAH reported as 2022 S C M R 9, MANZAR ZAHOOR Versus LYARI DEVELOPMENT AUTHORITY and another reported as 2022 S C M R 1305, ALI BUX SHAIKH Versus The CHIEF SECRETARY, GOVERNMENT OF SINDH, KARACHI and others reported as 2023 P L C (C.S.) 831 and The EXECUTIVE DIRECTOR (P&GS) STATE LIFE, PRINCIPAL OFFICE KARACHI and others Versus MUHAMMAD NISAR, AREA MANAGER, STATE LIFE CORPORATION OF PAKISTAN, PESHAWAR ZONE, PESHAWAR 2025 SCMR 249 wherein it has been held that there is no possibility or probability of alteration in date of birth of a civil servant once recorded at the time of joining the job or service.

**10.** Adverting to the issue of recovery of salary received by the Petitioner for the extended period of the job from 17.08.2017 until 31.05.2023. The Petitioner has admittedly retired from service, on his retirement from service, the department was competent to recover the losses caused by the retired pensioner while in service upon instituting the proceedings within one year of the retirement, in terms of Rule 1.8 ( b) of the W. P. Civil Servants Pension Rule 1963, which reads as under:

**1.8. (a).....**

**(b) *Government reserve to themselves the right of recovery from the pension of Government Pensioner on account of losses found in judicial or departmental proceedings to have been caused to the Government by the negligence of, or fraud of such Government Pensioner during his service, provided that such departmental proceedings shall not be instituted after more than a year from the date of retirement of the Government Pensioner.***

**11.** In case the department was of the view that the Petitioner caused a loss through fraud, the department should have initiated the proceedings for such recovery within the stipulated time, but in no case the competent authority was empowered to withhold the pensionary benefits. West Pakistan Pension Rules, 1963 lay down the principles in that regard, per Rule 1.8(a) good conduct is an implied condition of every kind of pension and empowers the Government to withhold or withdraw a pension or any part of it if the pensioner is convicted of serious crime or found to have been guilty of grave misconduct either during or after the completion of his service, provided that before any order to this effect is issued, the procedure regarding imposition of the penalty of removal from service shall be followed. In addition, thereto, under clause (b) to Rule 1.8, it is provided that the Government reserves the right of recovery from the pension on account of losses found to have been caused to the Government by the negligence, or fraud of such Government

pensioner during his service, by instituting judicial or departmental proceedings. Provided that such judicial or departmental proceedings shall not be instituted after more than one year from the date of retirement of the Government pensioner, clause (c) of Rule 1.8 empowers the government to call upon a Government servant to refund such excess payments, if afterwards found to have been received by the pensioner.

**12.** Record reflected that no disciplinary proceedings were initiated by the department to fix responsibility for payment of salary to the Petitioner beyond the retirement date. The Secretary Health Government of Sindh through letter dated 17.03.2025 directed to conduct inquiry and probe into the service of Petitioner for filing report before this Court on or before 08.04.2025. The Order dated 17.03.2025 did not mandate to initiate disciplinary proceedings under Sindh Civil Servants (Efficiency & Discipline) Rules, 1973 rather it was fact finding inquiry to probe into the matter. Admittedly no departmental proceedings were initiated against the Petitioner within the one year of his date of retirement which is either 17.08.2017 or 31.05.2023 to decide the fate of the period Petitioner served as a regular employee and withdrawn salaries, therefore the issue of payment of excess salary stood settled at rest.

**13.** The Petitioner was a grade 01 employee, his entire service record has been perused, he puts thumb impression and is an uneducated person. At the time of entry in the service, Petitioner's service record was maintained in the service book. Chapter X (Rules 166 -180) of C.S.R are the relevant provisions for maintaining the service record of a non-gazetted employee. (The Rules as available in Combined Set of Civil Service Rules (C.S.R) Volume I & II). Rule 166 of C.S.R mandated the head of the office to prepare, maintain and retain in custody the service book of every non – gazetted employee. Rule 166 further burdened the head of the office to verify and attest the entries in service book, which included age, pay fixation, leave, transfer etc. Rule 171 of the C. S. R lays down a procedure for recording entries in the service book, which reads as under:

*171. In the service book every step in a Government servant's official life including temporary and officiating promotions of all kinds, increments and transfer, and leave of absence taken, should be regularly and concurrently recorded, each entry being duly verified with reference to departmental orders, pay bills, and leave statements, and attested by the head of the office. If the Government servant is himself the head of an office, the attestation should be made by his immediate superior, Officiating and temporary service and leave taken prior to first substantive appointment to a permanent post should also be recorded in the service book and duly attested after verification. The Date of Birth should be verified with reference to documentary evidence and a certificate recorded to that effect stating the nature of the document relied on: Provided that in the case of inferior Government servants, if documentary evidence is not available, the age should be determined by the appointing*

*authority with reference to the statement of respectable persons, medical opinion, etc., and any other evidence he may think proper to take.*

*In the case of a Government servant, the year of whose birth is known but not the date, the 1st July should be treated as the date of birth. When both the year and the month of birth are known, but not the exact date, the 16th of the month should be treated as the date of birth.*

*In the case of a Government servant who is only able to state his approximate age, and who appears to the attesting authority to be of that age, the date of birth should be assumed to be the corresponding date after deducting the number of years representing his age from his date of appointment. When the date, month, and year of birth of a Government servant, are not known, and he is unable to state his approximate age, or when the appointing authority does not accept the age stated by the Government servant, the age by appearance as stated in the medical certificate of fitness, in the form prescribed in Rule II should be taken as correct, he being assumed to have completed that age on the date the certificate is given, and his Date of Birth deduced accordingly.*

*When once an entry of age or Date of Birth has been made in a service book, no alteration of the entry should afterwards be allowed, unless it is known that the entry was due to want of care on the part of some person other than the individual in question or is an obvious clerical error. Officers of a rank not lower than the Principal District Officer in the Department concerned may correct errors in the service book which are obviously clerical. Cases in which the correctness of the original entry is questioned on other grounds should be referred to a competent authority.*

*Finger prints of the Government servants should be recorded in the column headed "Personal marks of identification" in the service book itself. The impressions should not be taken on separate slips of paper and pasted to the service book.*

*Exception.-When a military employee is transferred to a civil department and assumes a civilian status or when a military employee discharged from the army without earning a pension is employed in a post in a civil department in which his military service counts towards pension, the Date of Birth to be entered in his service book or roll shall be either that entered by the Military authorities in his form of attestation when he first joined the army or, if at the time of attestation he stated only his approximate age the date arrived at by deducting the number of years representing his age from his date of attestation.*

*Note.- Cases in which prior to 28th September, 1938 the Date of Birth has been deducted by any other method, from the age at appointment or attestation, or*

*cases in which Government have passed specific orders accepting a particular date of birth, need not be re-opened.*

*Instruction.-Officers competent to alter dates of birth should see that no change in the date of birth which will be to the advantage of the Government servant concerned is allowed unless an application in that behalf is made by the Government servant concerned within two years of the date on which his service book was opened under Sindh Civil Services Rule 167. All cases in which applications are made after the period of two years referred to above should be submitted to Government for orders. The Date of Birth is to be verified with reference to documentary evidence and a certificate is to be recorded to that effect stating the nature of the document relied on as required under Rule 171. A change in the Date of Birth should not, therefore, be allowed on the evidence which could be available to a Government servant when he entered Government service and his Date of Birth was recorded in the service book.*

**14.** Provisions of Rule 171 of C.S.R required the head of the office to record all the entries in the service book of an employee including leave, probation, promotion, date of birth etc. Rule 171 supra accorded permission for correction of clerical errors in the service record only.

**15.** Rule 177 of C.S.R binds the head of the office to take up for verification the service record of an employee in January every year. Moreover Rule 178 of C.S.R saddled a responsibility upon the shoulders of the officers inspecting the subordinate offices to inspect the service book and service rolls of non-gazetted employees maintained in the office. Rule 178 reads as under:

*178. It is the duty of officers inspecting subordinate offices to inspect the service books and service rolls maintained there. They should see that they are maintained up to date, that entries are properly made and attested, that verification has been properly carried out, and that the necessary statements and evidence secured and verification certificates have been properly recorded by the heads of the offices.*

**16.** The Provisions of rule 178 obligate the inspecting officers to verify the service record of employees maintained by the subordinate office. Cursory glance at the photostat Copy of Service Book of the Petitioner (available at page 23) evidenced that his service book was verified by the District Health Officer Khairpur from time to time and lastly it was verified on 01.12.2017.

**17.** It is quite surprising that in more than 40 years of Petitioner's service career, his service book was verified for 40 times by the District Health Officer Khairpur, wherein the date of Birth of the Petitioner was recorded as 18.08.1957, but he was not conveyed

retirement by the office within time. The Petitioner continued working in the department and rendered full-time service of cleansing, there, was no complaint that during the extended period of the job Petitioner remained absent and did not perform his job. Petitioner himself lodged application dated 04.03.2023 seeking retirement from service on 25.05.2023. Petitioner's application was forwarded to District Health Officer Khairpur by the DDO/ Medical Officer BHU Hindyari along with "No Dues" and "No Inquiry" certificates. The Respondents did not issue retirement notification of the Petitioner; he preferred petition before this Court on 26.03.2024. The Petition was disposed of with costs vide order 25.04.2024 as District Health Officer Khairpur made oral submission in the Court that Petitioner stood retired in year 2017 but withdrawn online salaries until 2023. The District Health Officer made an incorrect statement before this Court, as Petitioner was conveyed retirement through office order dated 04.11.2024, seven months after the disposal of the petition, same too, when petitioner filed contempt application seeking implementation of the order dated 25.04.2024.

**18.** Scanning of the material on record, manifested that Petitioner attained the age of superannuation on 17.08.2017. Head of the Office being the custodian of service record, should have issued notification, conveying the retirement of the Petitioner on said date but it did not notify the retirement and Petitioner continued working in the office as Sanitary Worker. Section 13 of the SCS Act provides stages for retirement from service, first on completing 20 years of qualifying length of service for pension and second on attaining the age of superannuation (sixty years). Section 13 reads as under:

**13. Retirement from service.-** *A civil servant shall retire from service,-*

- (i) *on such date after he has completed [twenty] years of service qualifying for pension or other retirement benefits as the competent authority may, in the public interest, direct:*

*[Provided that no civil servant shall be retired unless he has been informed in writing of the grounds of the action proposed to be taken against him and has been given reasonable opportunity of showing cause against that action;] or*

- (ii) *where no direction is given under clause (i), on the completion of [sixty years] of his age.*

**19.** Petitioner retired from service on attaining the age of superannuation. Under section 20 of the SCS, Act Petitioner was entitled for the pension and gratuity as a matter of right. Legislature in its own wisdom incorporated word shall in said provision of law that on retirement, a civil servant "shall be entitled" to receive pension and gratuity, impliedly



casting a duty upon the authority superintending the services of the retired employee to forthwith sanction pensionary benefits. Section 20 reads as under:

**20. Pension and gratuity.**- (1) *On retirement from service, a civil servant shall be entitled to receive such pension or gratuity as may be prescribed.* (2) *In the event of the death of a civil servant, whether before or after retirement, his family shall be entitled to receive such pension, or gratuity, or both, as may be prescribed.* (3) *No pension shall be admissible to a civil servant who is dismissed or removed from service for reasons of discipline, but Government may sanction compassionate allowance to such a civil servant, not exceeding two-thirds of the pension or gratuity which would have been admissible to him, had he been invalidated from service on the date of such dismissal or removal.* (4) *If the determination of the amount of pension or gratuity admissible to a civil servant is delayed beyond one month of the date of his retirement or death, he or his family, as the case may be, shall be paid provisionally such anticipatory pension or gratuity as may be determined by the prescribed authority, according to the length of service of the civil servant which qualifies for pension or gratuity; and any over payment consequent on such provisional payment shall be adjusted against the amount of pension or gratuity finally determined as payable to such civil servant or his family.*

**20.** The payment of pensionary benefits to a retired civil servant is protected under the law, rules and regulations. The payment of pensionary benefits was a vested right of an employee and was not a charity, alms or donation by the employer but a compensation of services rendered with due devotion by giving blood, sweat, toil, and tears. It is often seen, that the pension cases are withheld under unwarranted lame excuses particularly of the low-grade retired employees like Bailiffs, peons, chowkidars, malhis, clerks etc. Instead of helping them out the departmental hierarchy starts objections to delay the pensionary benefits resting on unmerited or trivial pretexts including financial crunch, which has nothing to do with a retired employee. Even the widows and orphans of retired employees are faced with such a terrible and disgraceful situation for the payment of family pension which is a right and not charity. This Court is burdened with such pension cases and do often the petitioners complain of the malpractices in the offices and insatiable demands of the heads of the concerned departments. Such a practice has never been accepted by the Courts and petitions are always disposed of with reprimanding remarks but to no avail.

**21.** Pension benefits of the Petitioner were withheld for want of retirement notification and decision on the period served by the Petitioner beyond the age of superannuation. The District Health Office Khairpur sent a reference in the matter seeking advice of the finance department in the case. The finance department government of Sindh

tendered advice wherein directed the department to recover the excess amount of salary from the pension benefits by exercising powers under Rule 1.8 (c) of the West Pakistan Pension Rules 1963. The finance department has not tendered a proper advice, as Rule 1.8 (c) empowered the department to recover the excess pension amount if received by the Pensioner, but not the amount of loss caused through fraud or negligence. Rule 1.8(c) of the West Pakistan Pension Rules, 1963 empowered the government to recover the excess amount if paid towards pensionary benefits from the retired civil servant at any time. This rule only applies to the cases wherein the pension amount was withdrawn in excess. Rule 1.8 (c) reads as under:

***1.8 “(c) In case the amount of pension granted to a Government servant be afterwards found to be in excess of that to which he is entitled under the rules shall be called upon to refund such excess.”***

**22.** Under the above provision of law, the District Accounts Office and department were mandated to effect recovery of excess pension if received. The language of the pension rule 1.8 (c) contained the words “if found” and “called upon”, which impliedly necessitated for holding of an inquiry by providing a right of audience to the accused pensioner before taking any adverse action. It appears that the Accounts Office Khairpur at its own made deduction of the amount from the pension benefits of the Petitioner, as much as, the action so taken tantamount to denial of right of fair trial to the Petitioner enunciated under article 10 – A of the Constitution. The Petitioner was condemned unheard before taking punitive action that resulted in impinging his fundamental rights, the petitioner should have been given an opportunity of hearing before effecting recovery through deduction.

**23.** Under the West Pakistan Pension Rules 1963, an employee can be taken into service after retirement. Rule 9.4 of the Pension Rules 1963 empowered the government to re-employ or continue in service any government pensioner with the sanction of the Competent Authority purely on the public grounds. The Competent authority to sanction continuation of the job of the Petitioner in the present case was District Health Officer who paid him the salaries beyond the period of retirement. Though formal notification in that regard was not issued but continuation of the Petitioner in service and payment of salary to him led to an inference that he was continued in service under the provisions of Rule 9.4 of the Pension Rules, which reads as under:

***9.4 (1) A Government Pensioner who is in receipt of a superannuation or retiring pension shall not be re-employed or continued to be re-employed in any Government Department except on public grounds and with the sanction of the competent authority.***

***(2) All authorities administering local fund are empowered to re – employ government pensioners in receipt of superannuation or retiring pension in***

*service paid from a local fund provided their pay is fixed in accordance with the principles laid down by Government from time to time for fixation of pay and allowances of the Government pensioners re-employed in Government Departments. If in special circumstances any departure is proposed to be made, the orders of the chief executive of the authority should be obtained and the reasons for which the relaxation is made recorded in writing.*

**24.** Under no circumstances a person could be deprived of the compensation for the services he rendered. Salary was not a bounty but it was payment against the work done. The in charge of the concerned Basic Health Unit through its certificates dated 24.03.2023 (available at page No 17, to 21) verified that the Petitioner was present on duty and served as Sanitary Worker. The Petitioner though was in receipt of superannuation on 17.08.2017 and remained on duty as Sanitary Worker until 31.05.2023, though said duty was not authorized by the Competent Authority, but why the Petitioner be penalized for non-payment of salary for the period he actually worked. The job of the Sanitary Worker in the office set up is quite critical, most tiring and difficult. Sanitary Worker was an employee of grade 01 and cannot be rendered unpaid for the service he performed in the government set up. Instead of paying the salary, Petitioner was victimized and entire amount of pension benefits were deducted at source from his pension,

**25.** Petitioner worked in the department beyond the period of 17.08.2017 and withdrawn regular salary. The provisions of Section 13 SCS Act made it explicit that retirement of the civil servant would be subject to the direction of the competent authority. It was for the head of the office to notify the retirement. Petitioner remained attending the job, he was paid salary by the Drawing and Disbursing Officer for the said period. The department woke up from slumber after about more than seven years when Petitioner knocked at the doors of this Court seeking his pension benefits. The department cannot take any excuse for not conveying the notification of retirement of Petitioner within time. The petitioner remained serving the department and there is no complaint adverse against the claim of Petitioner, therefore, the payment of the salaries towards his duties was the right of the Petitioner. He was an uneducated person, knowing nothing, how can he commit the fraud when he did not get changed entries in service record and he filed instant petition wherein record so relied upon by the Petitioner contained his date of birth as 18.08.1957.

**26.** When confronted to this Legal position, Learned AAG, frankly conceded that no departmental proceedings were instituted against the petitioner for recovery of excess amount if any received by him. Under the pension rules, government can require a pensioner to refund an amount which was received by him in excess through fraud or forgery while in regular service subject to the outcome of departmental proceedings initiated within one year of the retirement and beyond the said period government was precluded from taking coercive measures of recovery. Admittedly no departmental proceedings were initiated

against the petitioner to recover the excess amount received by him in terms of the salary, therefore at this belated stage, action of recovery was not warranted under the law.

**27.** For what has been discussed herein above, we are of the considered view that the Petitioner was entitled to receive salary for the period he worked. Consequently, the action of at source deduction from pension of the petitioner, to an amount equal to salary received by the Petitioner from the period of 17.08.2017 to 31.05.2023 is declared as illegal, without any lawful authority, nullity and accordingly set at naught. The amount deducted from the pension benefits on account of alleged excess salary shall be paid back to the Petitioner. The Respondents, however, shall be at liberty to call upon the Petitioner to refund the amount of pension, if any received in excess, strictly in accordance with law and pension rules. CMA No 5892 / 2024 stands disposed of in the above terms.

Judge

Judge

Sukkur  
Dated: 20.08.2025  
Approved for reporting

ABBROHILPS