

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

**C. P No. D – 198 of 2025**

**Present;**

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

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

Petitioner : Mst. Shahida Parveen Jumani, through  
Mr. Imtiaz Ali Abbasi, Advocate

Respondents : Province of Sindh and others through  
Mr. Zulfiqar Ali Naich, Assistant Advocate General  
Sindh

Date of hearing : 13.08.2025

Date of order : 27.08.2025

**ORDER**

**Nisar Ahmed Bhanbhro, J**:- Through the instant Constitutional Petition, the Petitioner has sought for the following relief:

- (a) *To direct the Respondent No.2 to 4 to grant the pension with effect from January, 2023 till up-to-date and so also to continue her monthly family pension in future without interruption or hindrance, so that she may pass her remaining life with peace of mind.*

**2.** Mr. Imtiaz Ali Abassi Learned Counsel for the Petitioner contended that the father of the Petitioner namely deceased Qadir Bux was a retired Primary School Teacher in Education Department, Government of Sindh, who died on 06.12.1971. On his death, the family pension was granted to his widow Mst. Ghulam Jannat (mother of petitioner), which continued until her death on 19.01.2023. Petitioner being widowed daughter of Late Qadir Bux and deceased pensioner Ghulam Jannat approached the Principal Government Elementary College of Education, Sukkur/ Respondent No 3 for re-grant of family pension. He contended that the case of Petitioner for re-grant of family pension was forwarded by Respondent No 3 to Respondents No.2 and 4, but it was declined vide letter dated 16.10.2024 and 18.10.2024 (impugned letters) on the ground that Petitioner was having a son aged beyond 21 years, hence she was not entitled for family pension of her father as she was not dependent upon him. He contended that the Petitioner was entitled for family pension in terms of Rule 4.10 of the Sindh Civil Service Pension Rules

1963 (Pension Rules). The impugned letters were illegal and issued without lawful authority and were liable to be set aside. He prayed to allow the petition.

**3.** Mr. Zulfiqar Ali Naich, Learned Assistant Advocate General Sindh, controverting the submissions, argued that Petitioner was not entitled for family pension benefits, as she was mother of a son aged above 21 years. He contended that Petitioner was not dependent upon her father, therefore, she was not entitled for monthly pension in terms of Rule 302(b) of Civil Service Regulations (C.S.R.) and Circular No. FD(TR),(290)/2024 dated 29.01.2024, issued by the Finance Department Government of Sindh. He argued that the Family Pension to the Petitioner was rightly declined. He argued that the Petition was misconceived and liable to be dismissed.

**4.** We have heard the learned Counsel for the parties and examined the material available on record.

**5.** Under the Service Laws, in vogue in Province of Sindh, the Pension has been recognized as a right of the retired civil servant for his services rendered in the past. It provides a survival support in the old age and reflects the state's motherly role for those who served it. Under the Pension Rules, the pension right does not douse with the death of pensioner but it devolves upon the legal heirs. Section 20 of the Sindh Civil Servants Act 1973 regulates such right in a manner that a civil servant on his retirement shall be entitled to the pension and gratuity as may be prescribed. In case of the death before or after retirement of a civil servant his legal heirs shall be entitled to receive . Legislature in its own wisdom incorporated word shall in above provision of law that on retirement, a civil servant "shall be entitled" to receive pension and gratuity, and in the event of his death before or after the retirement, his family shall be entitled to receive the pension or gratuity as the case may. This provision of law, impliedly casts a duty upon the authority superintending the services of the retired employee to forthwith sanction pensionary benefits. Sub section 4 further obligated the authority to provisionally pay such anticipatory amount of pension or gratuity as may be prescribed, if the payment of pension was delayed beyond a period of one month. 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.*

**6.** For grant of Family Pension, Rule 4.10 of the Pension Rules, lays down a procedure, with a degree of preference within the family descendance of the deceased employee. Rule 4(10) 2(A) of Pension Rules categorized the priorities of the entitlement of the family members of the deceased pensioner. The widow of the deceased pensioner is entitled to receive the pension on priority and in her absence the unmarried daughters, in absence of unmarried daughter, the eldest widowed daughter shall be entitled to receive the pension. This entitlement shall continue unabated until remarriage of the widowed or divorced daughter. Rule 4.10(A) of the West Pakistan Civil Services Pension Rules, 1963 is reproduced as under;

*“4.10. (1) Family for the purpose of payment of family pension shall be as defined in sub-rule (1) or rule 4.7. It shall also include the Government servant’s relatives mentioned in clause (d) of the 4.8.*

*4.10.2(A) A family pension sanctioned under this section shall be allowed as under:*

*(i)(a) To the widow of deceased, if the deceased is male Government servant, or to the husband, if the deceased is a female Government servant.*

*(b) If the Government servant had more than one wife, and the number of his surviving widows and children does not exceed 4, the pension shall be divided equally among the surviving widows and eligible children. If the number of surviving widow and children together is more than 3, the pension shall be divided in the following manner, viz, each surviving widow shall get 1/4th of the pension and the balance(if any) shall be divided equally among the surviving eligible children. Distribution in the above manner shall also take place whenever the Government servant leaves behind surviving children of a wife who has predeceased him in addition to the widow and her children if any.*

*(c) In the case of female Government servant leaving behind children from a former marriage in addition to her husband and children by her surviving husband, the amount of pension shall be divided equally among the husband and all eligible children. In case the total number of beneficiaries exceeds four, the husband shall be allowed  $\frac{1}{4}$  of the pension and the remaining amount distributed equally among the eligible children.*

*(ii) Failing a widow of husband, as the case may be the pension shall be divided equally among the surviving sons not above 25 years and unmarried daughter.*

*(iii) Failing (i) and (ii), to the eldest widowed daughter.*

*(iv) Failing (i) and (iii), to the eldest widowed of the deceased son of the Government servant.*

*(v) Failing (i) and (iv), to the eldest surviving son of deceased son of the Government servant.*

*(vi) Failing (i) and (v), to the eldest unmarried daughter of a deceased son of the Government servant.*

*(vii) Failing these, to the eldest widowed daughter of a deceased son of the Government servant.*

**7.** The provisions of above referred rule, articulated that the widowed daughter was entitled to receive pension under Rule 4.10(2)(A)(iii). The case of the Petitioner for re-grant of family pension was declined by the Respondents No 2 and 4 on the ground that she was not dependent upon deceased pensioner as she has had a son aged above 30 years. In its letter dated 16.10.2024 Respondent No 4 (District Accounts Officer Sukkur) intimated the Respondent No 2 (Additional Director Teachers Training Institutions Sindh Hyderabad) that in terms of the policy issued by the Government of Sindh, Finance Department vide letter No FD(PCDC)5(55)/2024 Karachi dated 21.02.2024, Petitioner was not entitled for re-grant of pension benefits as she had a son aged above 21 years. Petitioner was conveyed the decline of the request of pension by Respondent No 2 vide letter dated 18.10.2024.

**8.** Besides, the objection of dependence of the Petitioner on her son in terms of Policy Decision of Finance Department, the Respondent No 2 and Respondent No 4 in their reply filed separately have referred to Rule 302(b)(6) of C.S.R, which granted discretionary powers to re-grant pension to any member of the family dependent upon the deceased pensioner. The Respondent No 2 in its letter dated 18.10.2024 addressed to the Respondent No 3 stated that Petitioner was not entitled for the family pension as she was mother of a son aged above 21 years, thus disentitled to receive pension in terms of Rule 302(b)(6). It is quite strange to notice that the Respondent No 2 who was enjoying managerial and administrative position and was in the helm of affairs of the department

was unaware that Rule 302 of C.S.R did not apply to ordinary pension cases. Referred rule regulates the pension of the employees who were killed or died of a wound or injury received while serving in a civil capacity with military force. It would be advantageous to reproduce Rule 302 of the C.S.R for the ease of reference:

*302. (a) If a family pension is granted under Rule 275 to the family of a Government Servant who is killed or dies of a wound or injury received while serving in a civil capacity with a military force, its amount shall be one half of his pay subject to a maximum of Rs 200 per mensem and a minimum of Rs. 10 per mensem.*

*(b) (1) For the purpose of awarding a family pension under this rule the term “family” includes only wife, legitimate child, and father or mother dependent upon the deceased for support.*

*(2) .....*

*(3) .....*

*(4) .....*

*(5) .....*

*(6) On the cessation of the Pension through death, marriage, or other cause, Government may, at their discretion, regrant it in whole or in part to members of the family lower down in the scale prescribed in clause (2) who may have been dependent on it for support, and for such period as they may consider desirable, not exceeding that admissible under (3) or (4) for an original grant.*

**9.** Furthermore, sub rule (b)(6) of rule 302 cannot be read in isolation, it has to be read in conjunction with the main provisions. From bare reading of the rule 302, it inferred that the above rule was applicable to the cases for re-grant of the family pension, where the initial family pension was granted under Rule 271, 272 and 275 of C.S.R. For the academic purposes it would be advantageous to refer rule 275 of C.S.R, which reads as under:

*275. Government may sanction the grant of family pension to the family of a Government Servant who is killed or who dies of injuries received or disease contracted in the circumstances described in Rule 271 or 272.*

**10.** From the literal meaning of Rule 275 and 302 it becomes explicitly clear that referred rules pertained to the grant of pensionary benefits to the family of a Government Servant who was killed or died of a wound or injury while performing his duties in a civil capacity with a military force. The father of the Petitioner retired from service on attaining the age of superannuation, he received pension after retirement, on his death the mother of the Petitioner received pension being widow of the deceased pensioner. These

rules in any manner did not apply to the case of the Petitioner, as he retired in ordinary way and died of the natural death.

**11.** The Respondent No 1 (Secretary Finance, Government of Sindh) in its reply filed through Additional Secretary (SR/Admn), has not supported the stance of Respondents No 2 and 4. Respondent No 1 has categorically stated that the matter of re-grant of family pension to the Petitioner pertained to the Administrative Department being sanction authority, therefore, the Finance Department was a proforma party. Respondent No 1 has placed on record the notification / office memorandum dated 07.04.2016, whereby the Government of Sindh FURTHER LIBERLIZED THE PENSION RULES and extended the benefit of family Pension to widowed and divorced daughters for life. For the ease of reference, the Office Memorandum is reproduced below:

**GOVERNMENT OF SINDH  
FINANCE DEPARTMENT**

**No. FD(SR-III)3-115/2015**

**Karachi dated the 07<sup>th</sup> April, 2016**

**OFFICE MEMORANDUM**

**SUBJECT: FURTHER LIBERALIZATION OF LIBERALIZED PENSION  
RULES FOR CIVIL SERVANTS – FAMILY PENSION**

*In continuation of this Department's Policy Circular No FD(SR-III)3/35-83, dated 27<sup>th</sup> August 1983 & Notification No FD(SR-III)3/11-84 dated 29<sup>th</sup> June, 1989 and clarification No FD(SR-III)3/23-2000 dated 15<sup>th</sup> March 2000, with the approval of the Competent Authority(i.e Chief Minister Sindh), Government of Sindh has been pleased to extend the benefit of family pension to the widowed/divorced daughter of deceased pensioner by making following amendments, applicable w.e.f 01.07.2015 in Family Pension in rule 4.10, sub rule (2) Clause A sub-clause (iii) & sub-clause (vi) of the West Pakistan Civil Services Pension Rules 1963.*

- A. (iii) "failing (i) to (ii) to the widowed daughter for life or till her re-marriage**
- B. (vi) failing (i) to (v) to the divorced daughter for life or till her re-marriage.**

**SECRETARY TO GOVERNMENT OF SINDH**

**12.** The further liberalization of the pension rules of 1963 by the Government of Sindh, with no hesitation in mind entitled the widowed and divorced daughter for re-grant of the pensionary benefits for life or until re-marriage. Rule 4.10 of the Pension Rules,

did not articulate that a widowed daughter shall be disentitled of the family pension, in case she had the offspring of son aged above 21 years, any notification or circular issued by the Finance Department linking grant of pension to a female under the concept of dependency on male would not be sustainable under the law as notifications or circulars of the department cannot in any manner override, nullify and set at naught the provisions of statute or the rules framed thereunder. The concept of dependence for grant of any benefit, which accrued as a matter of right was alien to law. Had it been so, a widow would have stood excluded to receive the pension benefits on the death of her husband in case he was survived by sons aged above 21 years. The entitlement of the petitioner to receive the family pension cannot be denied on the ground of dependence. It is a right guaranteed under the statute and must stand transferred to her without hinderance.

**13.** Broadly speaking woman is an independent right holder. Her rights were never linked to her marital status. The exclusion of a widowed daughter from the right recognized under statute reflected a regressive, repressive and untenable conception, which is neither permissible under Islamic Law nor acceptable under the Laws of Land so also under the constitutional command. Linking the civic and economic right of woman on her relationship to a man under any relationship, had no backing of the law. The right of the women for inheritance from her parents has been recognized under Holy Revelations as an independent and indefeasible right, Almighty Allah Ordains:

*“For men is a share of what the parents and close relatives leave, and for women is a share of what the parents and close relatives leave, be it little or much—a share ordained.” Surah An-Nisa (4:7):*

**14.** Neither the Islamic Law, nor the Constitution of the Country recognized marriage as a status which diminished any of the rights conferred to a daughter. The presumption that upon marriage, a woman relinquished her independent legal identity and became economically dependent on her husband or the children was reflection of the parochial approach, which had no backing under the traditions, sharia or the laws of inheritance. At its core, this approach to exclude women constituted an offence under the provisions of Pakistan Penal Code 1860. Section 498 – A PPC provided a punishment of 10 years for depriving women from the right to inherit property. Section 498 -A PPC reads as under:

**498 – A. Prohibition of depriving woman from inheriting property:**  
*Whoever by deceitful or illegal means deprives any woman from inheriting any moveable or immoveable property at the time of opening of succession shall be punished with imprisonment for either description for a terms*

*which may extend to ten years but not be less than five years or with a fine of one million rupees or both.*

**15.** The Constitution of the Country grants rights to the citizens under the concept of personhood, where women are equally protected and held equal in status to that of the men. The Constitution guarantees rights to individuals, not to marital units or prescribed social roles. Women are independent rights-bearing citizens, their rights were not linked to their relation as mother, wife, sister or daughter. Financial independence is pivotal to the independence of women, it results into a free, fair, hygienic and amicable environments to deal the affairs of home. The Pension Rules have recognized the right of widowed daughter without any exception, the circular if any issued by the Finance Department linking that right to the degree of dependance, would not set at naught the rules framed in consonance to the statute. The circular relied upon, though has not been placed before us for our perusal, but the same would not be sustainable under being discriminatory and biased towards women. The grant of family pension to the widow, widowed daughter, unmarried daughter and divorced daughter has been recognized under the law independently.

**16.** The Honorable Supreme Court of Pakistan in the case of Province of Sindh through Secretary Government of Sindh, Karachi and others Versus Mst. Sorath Fatima and another CIVIL PETITION NO.616-K OF 2025, while deciding the issue of grant of pension right to a divorced daughter observed as under:

2. *Having said that, we also are of the opinion that in the context of family pension, it is deeply concerning that admissibility of pension to a surviving daughter continues to depend entirely on her marital status. This dependency model reveals that there is a systematic bias that treats a daughter as a dependent, with her financial dependency shifting from parent to spouse. This assumption not only perpetuates the stereotypical mindset about women being dependent members within the family structure but also fails to recognize women as individuals or autonomous individuals who may have the capacity to be financially independent. It is also based in the flawed belief that unmarried or divorced women are financially dependent, while married women are financially secure. This mindset fails to account for the fact that married women may also face financial difficulty. It reflects a systematic bias that fails to recognize women as autonomous right-holders and also does not account for the lived realities of women. It assumes, first and foremost that all women are financially dependent within the traditional family unit, from parents to husband and secondly that marriage per se ensures financial stability. It totally ignores the hardship and insecurities faced by married women who may be in need of the financial security*



*in the form of pension. Dependency is not a metric for financial stability rather it is an assumption that disregards actual economic need and the lived experiences of many women. The claim of surviving daughters should be based on need and individual assessment rather than a legal framework built on parochial assumptions as to what is stereotypically believed to constitute dependency. This form of presumptive exclusion based solely on marital status is unconstitutional, discriminatory and a violation of Articles 14, 25, and 27 of the Constitution. The concept of tying a daughter's eligibility to family pension solely to her marital status results in an unjustifiable distinction.*

**17.** The Constitution of the Islamic Republic of Pakistan of 1973 also obligated the state to shun parochial treatment to the individuals. Article 29 burdened each organ and authority of the State, and of each person performing functions on behalf of an organ or authority of the State, to act in accordance with the Principles of Policy in so far as they relate to the functions of the organ or authority. Article 33 obligated that the State shall discourage parochial, racial, tribal, sectarian and provincial prejudices among the citizens. Article 34 obligated the state to take steps to ensure full participation of women in all spheres of national life. Article 38 obligated the state to secure the well-being of the people, irrespective of sex, caste, creed or race, by raising their standard of living, to provide for all citizens, within the available resources of the country, facilities for work and adequate livelihood with reasonable rest and leisure. Any action contrary to these principles would militate the concept of a welfare state.

**18.** The right of a widowed daughter was derived from the principles of policy enunciated under the constitution and rightly recognized and incorporated under the pension rules. The right to pension of a widowed daughter cannot be taken away on account of so-called presumption of dependence on son, least to say it had no statutory backing. The approach adopted by the Respondents is parochial and discriminatory in nature and militates the fundamental rights of an individual guaranteed under articles 4, 9, 14 and 25 of the Constitution. The concept of female dependence may help strengthen the concept of male dominance but had no recognition of the law. In fact, mothers, sisters and daughters were as equal human as fathers, brothers and sons.

**19.** Honorable Supreme Court of Pakistan in the case of The CHIEF COMMISSIONER REGIONAL TAX OFFICE, BAHAWALPUR and others Versus SHAHEEN YOUSAF reported as 2025 S C M R 1076 has held that:

*7. The rights of widows should not be viewed as acts of state generosity, but as legal entitlements rooted in constitutional guarantees, statutory protections, and developing judicial principles. Furthermore,*

*international human rights instruments to which Pakistan is a party, including the Convention on the Elimination of All Forms of Discrimination Against Women ("CEDAW") impose obligations on the State to dismantle legal and social barriers to women's full economic participation. Any policy that makes public employment contingent upon a woman's marital status not only entrenches dependency but effectively penalizes her for exercising a fundamental liberty. Widows, like all citizens, are entitled to employment, dignity, equality, and autonomy without discrimination or reprisal. The law must serve as a shield against exclusion, not a tool for reinforcing outdated social hierarchies.*

*8. It is also critical to consider the social context in which such executive decisions operate. Widowhood, in its simplest sense, refers to the status of a woman whose spouse has died. However, in many societies, including ours, it carries a layered social identity often accompanied by stigma, isolation, and a diminished sense of social worth. Widows are too often viewed through the prism of loss and dependence, rather than as individuals with agency and resilience. This perception restricts their choices, particularly when it comes to remarriage or economic independence. The law must reject these harmful cultural narratives and affirm that widowhood is not a diminution of identity but a life circumstance deserving of dignity, protection, and equal opportunity. It is incumbent upon courts to ensure that public policy reflects this understanding and shields widows from both overt and covert forms of systemic discrimination.*

**20.** Every individual enjoys the protection of law and is subject to due process of law. The Petitioner was entitled to receive the pension benefits being a widowed daughter within one month as articulated under section 20 of the Sindh Civil Servants Act, 1973. The Respondents No 2 and 4 have failed to demonstrate the bona fide and good faith for declining the pension benefits to the Petitioner. Sufficient material was available on record to elicit, either they acted under malice or were ignorant of the law while passing the impugned order of the denial of the monthly pension. They took blanket cover of wrong provisions of rules which did not attract to the case of Petitioner, and deliberately put her case in doldrums. Learned Law Officer representing the Respondents supported their stance, which too cannot be appreciated.

**21.** The delay in grant of pension benefits offends the foundational concept of the law that a right must go to the person to whom it belongs without any excuse or delay.

Honorable Supreme Court of Pakistan, in the case of Haji Muhammad Ismail Memon reported as PLD 2007 SC 35 shown its dismay and anger over delay in pension payments and observed that all the Government Departments, Agencies, and Officers deployed to serve the general public within the limit by the Constitution as well as by the law shall not cause unnecessary hurdle or delay in finalizing the payment of pensionary/retirement benefits cases in future and violation of these directions shall amount to criminal negligence and dereliction of the duty assigned to them. The authorities at the helm of affairs may not forget that in future their families may also face this critical situation and stand helpless.

**22.** Honorable Supreme Court of Pakistan in the case of Muhammad Yousuf Versus Province of Sindh and others reported as 2024 S C M R 1689 has held as under:

*Under the exactitudes of pension rules and regulations, the concerned department is obligated to immediately process the pension papers without putting it on hold or throwing it in shelves for an unlimited period of time. At the same time, it is also the onerous duty and obligation of the head of the department/competent authority and all other persons in the department who are engaged in the completion process to keep a vigilant eye in order to ensure the swift payment of pensionary benefits without unreasonable delay for protecting and safeguarding the interest of the retired employees and their families. They should also remember that in the near future, they will also relish the flavor of retirement and file their own papers for pension and step into the shoes of retired employees. In the self-accountability process with the honest motto of not dragging the payment of pensionary benefits of others, the persons responsible in order to change the culture of making delays should maintain a clearheaded policy to complete the process for pension fairly within a sensible time. If a swift process really comes into fashion by means of their sincere efforts then hopefully, at the time of their retirement, they may not face the same problems and hindrances that their past colleagues faces. As the saying goes, "as you sow, so shall you reap".*

**23.** For what has been discussed herein above, We have arrived at an irresistible conclusion that the order dated 18.10.2024 issued by Respondent No 2 and order dated 16.10.2024 passed by the Respondent No 4 declining the request of the Respondent No 3 for grant of Monthly Pension to the Petitioner were illegal, perverse and without any lawful authority and based upon the wrong interpretation of provisions of rules (Rule 302(b) (6) of C.S.R) which were not attracted to the case of Petitioner thus not

sustainable under the law and amenable to the judicial review of this Court in its powers conferred under article 199 the Constitution of Islamic Republic of Pakistan, 1973. Consequently, the impugned orders dated 16.10.2024 and 18.10.2024 are set at naught. The Respondents are directed to pay the monthly pension to the Petitioner within a period of one month from the date of the order. We record our dismay on the approach of the Respondents No 2 and 4 for dealing the pension case of the Petitioner beyond the bounds of law, that might have resulted into mental agony and distress and caused a financial burden upon the petitioner to bring instant *lis*. We, therefore, allow this Petition with a Cost of Rs 40,000 to be paid to the Petitioner by the Respondents No 2 and 4 (20,000 each) within one month of the date of this order; in case of failure their CNICs shall be blocked..

**24.** The petition is disposed of in the above terms. Office to send Copy of the order to Respondents No 1 to 4 by fax today for compliance.

Judge

Judge

Sukkur

Dated 27.08.2025

Approved for reporting

ARBROHI/PS