

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D-1056 of 2023

[Quaiser Jamil Ahmed Mallick V. Government of Sindh and Others]

Date	Order with signature of Judge(s)
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Before:

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Muhammad Hasan Akbar

Date of hearing and Order: 19.05.2026

Mr. Usman Farooq advocate for the Petitioner.

Mr. Asad Ahmed advocate for KMC

Mr. Ali Ahmed Zaidi, Additional Advocate General Sindh.

ORDER

Adnan-ul-Karim Memon, J. – Petitioner Quaiser Jamil Ahmed Mallick has filed this Constitution Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan 1973, seeking the following relief:-

- a. *Allow the increase in the pension @ 15% effective from Ist July 2019 and @ 10% with effect from Ist July 2020, along with arrears;*
- b. *To grant any other relief, which this Hon'ble Court deems if and proper.*

2. Learned counsel for the petitioner submits that the petitioner is a 73-year-old retired employee of Karachi Metropolitan Corporation (KMC), who retired on 30.08.2009 as Additional District Officer (Law) BS-18 after completion of service, and is presently drawing pensionary benefits. It is contended that the Government of Sindh sanctioned pension increases for civil pensioners, including local council employees, at different rates, namely 15% for the year 2019, 10% for 2020, 10% for 2021, and 5% for 2022. While the petitioner has been granted pension increases for 2021 and 2022, the benefits for 2019 and 2020 have not been released to him, despite his entitlement and repeated representations. It is further submitted that the petitioner, being a senior citizen facing severe financial hardship due to inflation and rising cost of living, is entitled to the withheld arrears. A legal notice was also served upon the respondents; however, no action was taken, constraining the petitioner to approach this Court. On these grounds, the petitioner seeks directions for the release of pension increases @ 15% for 2019 and 10% for 2020, along with all consequential arrears.

3. Learned counsel for KMC submits that the Corporation is facing an acute financial crisis due to massive accumulated pension liabilities of retired employees of KMC and defunct local bodies, which run into billions of rupees. It is stated that KMC is already disbursing approximately Rs. 600 million per month

as pension to more than 23,000 pensioners across Pakistan. It is further contended that due to long-standing non-release of sufficient government grants, the institution is unable to fully meet its pensionary obligations, and a large number of pension-related claims are pending. Attention is drawn to earlier communications and governmental approvals wherein a special grant-in-aid and bailout package was recommended for clearing pension liabilities, but the required funds have not yet been released by the Finance Department, Government of Sindh. It is submitted that despite repeated approvals and recommendations, financial assistance has not been disbursed, resulting in increasing liabilities and administrative constraints for KMC. Therefore, KMC has requested the provincial authorities to release the approved funds to enable payment of outstanding pension dues to retired employees. However, he prayed to dismiss this petition.

4. We have heard the learned counsel for the parties and perused the record with their assistance.

5. The petitioner seeks enforcement of notified pensionary increases for the years 2019 and 2020, which, according to his case, have already been sanctioned by the competent authority for civil pensioners, including local government employees, but have not been extended to him despite his admitted entitlement for subsequent years.

6. The plea of the respondent KMC regarding financial hardship and non-release of grants from the Government of Sindh, though noted, does furnish a lawful justification for pensionary increases as requested. The counsel submits that annual pension increases are a provincial policy matter, and the KMC is willing to implement the 15% (2019–20) and 10% (2020–21) increases only if corresponding funds are released by the provincial government. It is further stated that, being an autonomous body, KMC has not formally adopted these increases, rendering the petitioner's claim untenable.

7. The petitioner, however, asserts that the increases have already been paid to other employees.

8. In view of the above facts and circumstances, and without expressing any opinion on the merits of the entitlement claimed by the petitioner, it is observed that the issue raised involves questions relating to policy applicability, financial constraints, and administrative adoption of pensionary increases by the respondent KMC, which are not amenable to conclusive determination in constitutional jurisdiction. However, it is clarified that if the benefit of pension increases @ 15% w.e.f. 01.07.2019 and @ 10% w.e.f. 01.07.2020 has been or is hereafter extended to employees of similarly placed autonomous bodies or provincial/local

government entities, the petitioner shall also be entitled to the same benefits, to be considered and granted by the competent authority in accordance with law, rules, and policy.

9. The petition, along with pending application(s) is accordingly disposed of in the above terms. However, with no order as to costs.

JUDGE

JUDGE

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