

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.D-4945 of 2025
(Dr. Shehla Kazmi versus Federation of Pakistan Province of Sindh & others)

| Date | Order with signature of Judge |
|--|---|
| | Mr. Justice Adnan-ul-Karim Memon Mr. Justice Zulfiqar Ali Sanghi |
| Date of hearing and order:- 27.01.2026 | |

Dr. Rana Khan advocate for the petitioner
Ms. Mehreen Ibrahim, DAG
Mr. Zahid Ahmed, Research Officer, along with
Mr. Abdul Aleem Sheikh, Director QAA/Respondent No.5.

ORDER

Adnan-ul-Karim Memon, J. – The petitioner Dr. Shehla Kazmi has filed the captioned Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer.

- a. *To direct the respondents 1 to 5 to extend the pension and the pensionary benefits to the petitioner after her retirement in the light of an identical case of Urdu dictionary Board decided by the Supreme Court and this Court dated 25.02.2009 & 11.10.2010 respectively.*
- b. *Declared all he refusal letters dated 03.08.2016, 10.01.2017 and 02.05.2018 are ab initio vide, illegal unlawful and without lawful authority as the petitioner being civil servant having been retired from the respondent No.1 as such entitled for pensionary and other benefits as per the judgment dated 25.02.2009 passed in human right case No. 3967/2006 and judgment dated 07.04.2009 passed in human rights case No. 5/2009 by Supreme Court of Pakistan and the order of this Court dated 11.10.2010 in C.P. No. D-1728 of 2010.*
- c. *Direct the respondents, their officers, to release the pensionary and other benefits to the petitioner without any discrimination from the date of her retirement, that is, 19.10.2013, as a civil servant having been retired from the Respondent No.1 as senior Research fellow/Acting Director.*
- d. *Direct the respondents, their officers, and any other person on their behalf to provisionally release the monthly pension to the petitioner till the final disposal of the case.*
- e. *Direct the respondents to deposit the pensioner and other benefits of the petitioner from the date of her retirement, i.e., 10.10.2013, till date with the Nazir of this Court to hand over this amount to the petitioner.*

2. The petitioner is a retired employee of respondent No.5, Quaid-e-Azam Academy, (QAA) Karachi, a senior citizen aged over 70 years, and a distinguished academic. She holds a Ph.D. in Political Science, is a Gold Medalist, author of six books, and has rendered over 31 years of unblemished service, which is not disputed. She was appointed as Junior Research Fellow (BPS-16) in October 1982, promoted to Research Fellow (BPS-17) in June 1983, and later to Senior Research Fellow (BPS-18). She also served as Acting Director on several occasions and retired on 7 November 2013 upon attaining superannuation. Despite her diligent and honest service, her pensionary benefits have been withheld because she was

not a civil servant, as she retired before the notification dated 13-06-2014 declaring the Academy a subordinate office of the concerned Ministry.

3. Dr. Rana Khan, learned counsel for the petitioner, submitted that Quaid-e-Azam Academy was established in 1976 through a Resolution of the Federal Government and placed under the Federal Ministry of Education. In light of the judgment of the Supreme Court reported as **PLD 1990 SC 612**, organizations established through resolutions are to be treated as Government Departments, and their employees as civil servants. Consequently, through Presidential directives and Office Memorandums dated 06-09-2000 and 30-11-2005, the status of several autonomous bodies, including Quaid-e-Azam Academy at Serial No.25, was converted into Government Departments. It is urged that despite this, upon her retirement in 2013, the petitioner was denied pension and pensionary benefits and was only paid her Provident Fund, despite repeated representations from 2014 to 2025. Per learned counsel, this denial is arbitrary and discriminatory, especially when similarly placed employees of other organizations, most notably the Urdu Dictionary Board, were granted pensionary benefits pursuant to judgments of the Supreme Court and this Court. As per learned counsel, the petitioner's case is squarely covered by the judgments reported as **PLJ 2008 SC 1022** and **SBLR 2006 Sindh 1195**, wherein it was held that the benefits of judgments should be extended to similarly placed non-litigants without compelling them to approach courts. Further, she pointed out that in Human Rights Case No. 5/2009 and subsequent constitutional petitions, pensionary benefits were extended to employees of the Urdu Dictionary Board, whose status is identical to that of Quaid-e-Azam Academy. It is further submitted that although a formal notification declaring Quaid-e-Azam Academy as a subordinate office was issued on 13-06-2014, the notification itself is based on the Office Memorandum dated 30-11-2005 and the Supreme Court judgment in PLD 1990 SC 612, thereby giving it retrospective effect as such the status of the petitioner cannot be said to be non-civil servant just to deprive her pension and confining her to payment of only provident fund. It is emphasized that any administrative delay on the part of respondents cannot prejudice the vested rights of the petitioner to receive the pension as the officers who retired after the cut-off date, i.e., 13-06-2014, are held entitled to pension, whereas the petitioner has been denied these benefits, which is a discriminatory attitude attract Article 25 of the Constitution. She argued that the continued

refusal to grant a pension to the petitioner is unlawful, discriminatory, violative of settled law, and contrary to the principles of good governance. The petitioner, having served the Federation with distinction, is legally entitled to a pension and all consequential benefits from the date of her retirement. Accordingly, she prayed that the respondents be directed to extend pension and pensionary benefits to the petitioner from the date of her retirement, declare the impugned refusal letters illegal, and order the release of all arrears along with provisional monthly pension pending final adjudication.

4. Learned DAG refuted the stance of the petitioner by submitting that the petition as framed is not maintainable and is liable to be dismissed. She argued that the petitioner was, throughout her service, an employee of Quaid-i-Azam Academy, Karachi, which at all material times was an autonomous body and not a Government Department. She was never a civil servant within the meaning of the relevant service laws. She argued that it was/is an admitted position that under the consistent and unequivocal policy of the Federal Government, employees of autonomous bodies are not entitled to pensionary benefits, and their retirement benefits are confined to the Provident Fund only. It is urged that the petitioner retired in the year 2013, and all her service benefits were finalized strictly in accordance with the rules applicable at that time. She was duly paid her Provident Fund, which constituted her lawful retirement entitlement. However, the petitioner's claim that she became entitled to a pension from the year 2000 is misconceived. Although certain policy directives were issued, the legal status of Quaid-i-Azam Academy remained unchanged as an autonomous body throughout her entire service and even at the time of her retirement. It is added that a subsequent change in status, notified in 2014, cannot be applied retrospectively to reopen or alter a concluded service relationship. It is argued that the refusal of a pension was neither arbitrary nor discriminatory. The petitioner was consistently informed of her ineligibility for a pension in accordance with the law and the policy of the Federal Government, as conveyed by the Finance Division. Her applications were duly responded to, and none remained unattended. She argued that the reliance placed by the petitioner on judgments relating to other organizations is misplaced. Her case is clearly distinguishable, as she retired before Quaid-i-Azam Academy was declared a subordinate office under the policy decision. The change in status in 2014 created a new and

distinct class of employees and cannot confer retrospective benefits upon those whose service had already concluded. It is further submitted that there was no delay in the issuance of the notification. The change of status involved verification of legal and administrative records and was processed in accordance with the law. While the petitioner's grievance is founded on a misunderstanding of the legal position. She served Quaid-i-Azam Academy for over three decades with full knowledge of its autonomous status and never challenged the same during her service. In view of the above submissions, she prayed that this Court to dismiss the petition, as the refusal of pension is lawful, justified, and in accordance with the established policy of the Federal Government.

5. Heard learned counsel for the parties and perused the record with their assistance and case law on the subject.

6. The pivotal question requiring determination is whether the petitioner, who retired from Quaid-e-Azam Academy, Karachi, in 2013, is entitled to pensionary benefits by virtue of the status of the said organization as a department of the federal Government in 2014 under the Rules of Business 1973 and the law laid down by the Supreme Court from time to time.

7. It is an admitted position that Quaid-e-Azam Academy was established through a Resolution of the Federal Government in 1976. The Supreme Court, in **PLD 1990 SC 612**, has conclusively held that organizations established through resolutions are not body corporates but Government Departments, and their employees are to be treated as civil servants. This principle has remained intact and binding and has been consistently followed in subsequent cases.

8. We have noticed from the record that, pursuant to Presidential directives and Office Memorandums dated 06-09-2000 and 30-11-2005, several autonomous bodies, including Quaid-e-Azam Academy at Serial No.25, were declared Government Departments. The notification dated 13-06-2014, declaring Quaid-e-Azam Academy a subordinate office, is expressly based upon the Office Memorandum dated 30-11-2005 and the judgment reported as **PLD 1990 SC 612**. Thus, the notification is declaratory in nature and does not create a new status but merely formalizes an already existing legal position. For convenience sake an excerpt of the Notification dated 13-06-2014 is reproduced as under:—

Islamabad, the 13th June, 2014

NOTIFICATION

F. No. 25/2014-QAA. Pursuant to the Government instructions contained in Establishment Division's OM No. 1/98/2004-E-6 dated November 30, 2005 read with the Supreme Court of Pakistan's verdict

reported as PLD-1990-SC-612, Quaid-e-Azam Academy, Karachi constituted under Resolution No. F-2-21/75-CEN dated January 9, 1976 is declared as Sub-Ordinance Office of M/o Information, Broadcasting and National Heritage by virtue of Rule 2 (1)(xx) of Rules of Business, 1973.

*(Shabnam Amir Khan)
Deputy Secretary*

9. This Court has already settled the status of employees of the Quaid-e-Azam Mazar Management Board (QMMB) through its common judgment dated 20.05.2025 passed in CP No. D-1742 of 2021 and CP No. D-1769 of 2021, this Court observed that mere service under the Federation does not confer civil-servant status unless statutory requirements are fulfilled. However, noting the issue of discrimination vis-à-vis employees of the Quaid-e-Azam Academy (QAA), this Court directed the respondents to reconsider the matter to avoid discrimination. However, in the present case, Quaid-e-Azam Academy, Karachi, was established as an autonomous body through a Resolution in January 1976 under the administrative control of the Ministry of Education. In view of the Supreme Court judgment reported as **PLD 1990 SC 612**, bodies established through resolutions are to be treated as Government departments unless their status is altered by law. The status of QAA was finally determined vide notification dated 13-06-2014, thereby removing all ambiguity. Consequently, the contention that the petitioner is disentitled to pensionary benefits merely because she retired prior to the said notification is misconceived. It is settled law that administrative delay cannot defeat vested rights, nor can similarly placed persons be denied benefits flowing from judicial determination.

10. The case of the petitioner is squarely covered by the precedent relating to the Urdu Dictionary Board, where similarly placed employees were granted pensionary benefits pursuant to Human Rights Case No. 5/2009, order dated 25-02-2009, and subsequent judgments of this Court, including C.P. No. D-1728 of 2010 decided on 11-10-2010. The Supreme Court has categorically held that the benefits of a judgment cannot be restricted only to litigants and must be extended to all similarly situated persons (**SBLR 2006 Sindh 1195**).

11. The contention that employees of autonomous bodies are not entitled to pensionary benefits becomes untenable once the organization is declared, in law, to be a Government Department. Upon the determination of the organization's legal status, corresponding service benefits follow as a necessary consequence. The respondents cannot apply such a determination selectively, as doing so violates Articles 4 and 25 of the Constitution. In these circumstances, the issue of prospective or retrospective application loses relevance, since the notification merely declares an existing legal position rather than creating a new right.

Consequently, denial of pensionary benefits on this ground is misconceived and unsustainable in law.

12. The petitioner rendered more than three decades of unblemished service and retired after the status of Quaid-e-Azam Academy had already been converted into law. Denial of pension in her case, while extending the same to employees of identically placed organizations, amounts to discrimination and is contrary to the principles of good governance repeatedly emphasized by the Supreme Court.

13. For the foregoing reasons, the impugned refusal letters are without lawful authority and are hereby set aside. The respondents are directed to meaningfully reconsider the petitioner's case for grant of pension and pensionary benefits in light of the notification dated 13-06-2014 and the judgments of the Supreme Court. Upon such consideration, pension shall be awarded to the petitioner strictly in accordance with her entitlement, after adjusting any service benefits already received, if any. The aforesaid exercise shall be completed within three weeks, without fail.¹⁵.

14. This petition stands disposed of in the above terms.

JUDGE

JUDGE