

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

CP No.D-2506 of 2019
(Kamaluddin Mangnejo v Federation of Pakistan and others)

DATE	ORDER WITH SIGNATURE OF JUDGE
-------------	--------------------------------------

Before
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Zulfiqar Ali Sangi

Date of hearing and order:- 30.01.2026

Mr. Ali Asadullah Bullo, Advocate for the Petitioner.
Ms. Mehreen Ibrahim, DAG.

ORDER

Adnan-ul-Karim Memon, J.- Through this petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the Petitioner is seeking the following relief:

- i. *Declare the act of the Respondents regarding non-inclusion of pension contribution and past service towards pension is against the law, in violation of Article 4,10,18 & 25 of the Constitution of the Islamic Republic of Pakistan, 1973.*
- ii. *Direct the Respondent Nos. 1 & 2 to release the pension contribution and transmit to Respondent No.3 for further inclusion into the monthly pension, and also count the past service of 9 years of the Petitioner rendered in the defunct IACP (Investment Advisory Centre of Pakistan) for pension and pensionary benefits as admissible under the law..*
- iii. *Any other relief(s) which are deemed to fit and appropriate under the circumstances of the case in favour of the petitioner.*

2. It is the case of the petitioner that he was initially appointed as Engineer Analyst in the Investment Advisory Centre of Pakistan (IACP) on a temporary/adhoc basis and his services were regularized vide office order dated 25.09.1986. Upon winding up of IACP in 1993, the petitioner, being a declared surplus employee, was absorbed in Pakistan Standards Institution (PSI) vide notification dated 16.08.1994 and joined as Assistant Director (Mechanical Engineer) on 30.08.1994. At the time of absorption, specific terms and conditions were offered and accepted, expressly providing that the petitioner's previous service in IACP would be countable towards leave, pension, and gratuity. It is further submitted that after joining PSI, correspondence ensued between PSI and the Ministry of Industries and Production for transfer of the petitioner's pension contribution, which was duly calculated but never released or transferred. Subsequently, PSI was converted into Pakistan Standards and Quality Control Authority (PSQCA) under the Pakistan Standards and Quality Control Authority Act, 1997, and placed under the administrative control of the Ministry of Science and Technology. It is added that

despite continuous efforts, the petitioner's nine years of past service in IACP were not counted, and he retired on 24.08.2015 without receiving pensionary benefits for that period. The petitioner asserts that similarly placed colleagues absorbed from IACP were granted the benefit of counting past service and pension contributions, and denial of the same to the petitioner amounts to discrimination and violation of Articles 4, 18, and 25 of the Constitution.

3. Learned counsel for the petitioner submits that upon winding up of IACP in 1993, petitioner was absorbed as a surplus employee in PSI vide notification dated 16.08.1994. It is contended that his past service in IACP was/is required to be counted towards leave, pension, and gratuity, and although pension contribution was calculated through correspondence with the Ministry of Industries and Production, the same was never transferred. Subsequently, PSI was restructured as Pakistan Standards and Quality Control Authority under the Ministry of Science and Technology. He emphasized that the petitioner's grievance is confined to the unlawful exclusion of nine years' service rendered in IACP from pensionary benefits, despite similar relief having been granted to similarly placed colleagues. He prayed to allow the petition.

4. Conversely, learned DAG submits that the service rendered by the petitioner in IACP was non-pensionable in nature and, therefore, no pension contribution was admissible under the applicable Finance Division policy. It is contended that the Ministry of Industries and Production, being the parent ministry of IACP, consistently maintained that no pension liability existed, and the petitioner was already paid all admissible pensionary benefits for his service rendered in PSQCA. Reliance is placed upon the opinions of the Finance Division and correspondence exchanged between the ministries to assert that the petitioner is not legally entitled to the claimed relief. The DAG further submits that the matter was already examined by the Wafaqi Mohtasib, and no further cause survives, rendering the present petition misconceived and liable to dismissal.

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

6. It is not disputed that upon winding up of the Investment Advisory Centre of Pakistan (IACP), the petitioner was absorbed as a surplus employee in Pakistan Standards Institution (PSI) on terms which, prima facie, provided for counting of his past service towards leave, pension, and gratuity.

7. We have also noticed that the petitioner's grievance is confined to non-inclusion of nine years' service rendered in IACP for pensionary benefits, whereas he asserts that similarly placed colleagues absorbed from the same organization have already been extended such benefit.

8. Without entering into the disputed factual controversy as to whether the petitioner's service in IACP was pensionable or otherwise, this Court is of the considered

view that the claim raised by the petitioner requires proper consideration by the competent authority, particularly in view of the plea of discrimination and parity with similarly placed employees. If the petitioner’s colleagues, absorbed from the same defunct organization, have been granted the benefit of counting past service and pension contribution, the petitioner’s case cannot be treated differently without lawful justification.

9. In these circumstances, the request of the petitioner appears to be reasonable and calls for reconsideration by the competent authority of the respondents in accordance with law, policy, and principles of equality.

10. Accordingly, this petition is disposed of along with pending application(s) with the direction to the competent authority of the respondents to reconsider and decide the case of the petitioner afresh, strictly in line with the treatment accorded to his similarly placed colleagues if any, after affording an opportunity of meaningful hearing to the petitioner as well as the concerned departments.

11. The aforesaid exercise shall be completed expeditiously, preferably within a period of three (03) months from the date of receipt of this order. In case the petitioner is found entitled, consequential benefits shall be extended in accordance with law.

J U D G E

J U D G E