

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

Constitutional Petition No. D-815 of 2023
(Qazi Muhammad Abdul Qadir & others versus Province of Sindh & others)

Constitutional Petition No. D-6024 of 2023
(Khaliq-un-Zaman versus Province of Sindh & others)

Constitutional Petition No. D-6025 of 2023
(Muhammad Arif Khan versus Province of Sindh & others)

Constitutional Petition No. D-5344 of 2025
(Saleem Akhtar versus The Secretary Finance, Government of Sindh & others)

Constitutional Petition No. D-4491 of 2025
(Mst. Javeria Mobashir versus Province of Sindh & others)

Constitutional Petition No. D-4492 of 2025
(Syed Obaid Ahmed versus Province of Sindh & others)

Constitutional Petition No. D-4493 of 2025
(Syed Muhammad Sohail versus Province of Sindh & others)

Constitutional Petition No. D-4488 of 2025
(Manzoor Hussain versus Province of Sindh & others)

Date	Order with signature of Judge
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Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Zulfiqar Ali Sangi

Date of hearing and order: 18.2.2026

Mr. Muhammad Arshad Khan Tanoli advocate for the petitioners in CP No. D-815 of 2023

Mr. Mushtaq Ahmed Chandio advocate for the petitioners in CP Nos. D-4488, 4491, 4492, and 4493 of 2025

Mr. Riaz Moin Siddiqui advocate for the petitioners in CP Nos. D-6024 and 6025 of 2023

M/s Khursheed Javed and Naseer Ahmed advocates for the respondent /KDA

Mr. Asif Jan Siddiqui, Director General KDA

Mr. Aamir Hussain, Additional Secretary, Local Government Department

Mr. Raza Ali Shah, Assistant Director (Law) SGA&CD

ORDER

Adnan-ul-Karim Memon, J. – This Court, vide order dated 19.1.2026, had granted six weeks to the respondent/Government of Sindh for compliance, which remains unfulfilled as the petitioners’ dues have not been paid. No report has been submitted by the responsible KDA officers. Learned counsel for KDA explained that due to a financial crunch since its revival in 2016, paying all dues in a single installment would affect current employees’ salaries and pensions. KDA plans to recover funds through the auction of certain commercial plots, and pending post-retirement dues shall be disbursed within two months. Copies of relevant correspondence were filed.

2. In view of the above facts and circumstances, it is an admitted position that despite the clear directions of this Court vide orders dated 19.01.2026 and

27.01.2026, the respondent, Karachi Development Authority, has failed to comply with the same by neither releasing the pensionary benefits of the petitioners nor submitting any compliance report in its letter and spirit. The plea of financial constraints taken by the respondents does not constitute a lawful justification to withhold post-retirement benefits, as a pension is no longer considered a bounty but a vested and enforceable right accruing in favour of a retired employee upon completion of qualifying service.

3. The Supreme Court of Pakistan in Muhammad Ismail Memon v. Province of Sindh (PLD 2007 SC 35) has categorically held that pensionary benefits are a statutory right and cannot be denied on administrative or financial grounds. The said principle has recently been reaffirmed in Muhammad Yousaf v. Province of Sindh (2024 SCMR 1689), Pervaiz Hussain Shah v. Government of Sindh (2024 SCMR 309) and Ghulam Sarwar Chang v. Province of Sindh (2025 PLC (C.S) 12), wherein it has been consistently declared that delay or withholding of pension and post-retirement dues amounts to violation of fundamental rights and settled principles of natural justice.

4. It is also well-settled that the financial hardship of a public authority cannot override constitutional and statutory obligations towards its retired employees. Failure to implement the lawful orders of this Court prima facie attracts the provisions of Article 204 of the Constitution of the Islamic Republic of Pakistan, 1973, rendering the delinquent officers liable for contempt of Court.

5. However, by way of last indulgence, the respondents are granted a further period of two (02) months to ensure release and payment of all outstanding pensionary and post-retirement dues to the petitioners strictly in accordance with law. In case of failure, the petitioners shall be at liberty to initiate appropriate contempt proceedings against the responsible officers, in accordance with law.

6. Accordingly, these petitions, along with all pending applications, stand disposed of in the above terms.

The office is directed to place a copy of this order on the record of connected petitions.

JUDGE

JUDGE