

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D-4251of 2025

[Safia Bibi V. Province of Sindh and others]

Date	Order with signature of Judge(s)
------	----------------------------------

Before:

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Zulfiqar Ali Sangi

Date of hearing and Order: 04.03.2026

Mr. Imtiaz Ali, Advocate for the Petitioner.

Mr. Asad Ahmed, Advocate for the Respondent/KMC.

ORDER

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

- a. *To declare that the petitioner is legally entitled to recovery of retirement benefits/ Gratuity etc from the respondents, and the respondents are bound to act under the framework provided in the Constitution of Pakistan and to obey the law, being the statutory body incorporated under the provincial government.*
- b. *To direct the respondents to release retirement benefits /Gratuity etc forthwith without committing any further delay as the respondents, being a statutory body, are bound to act in accordance with law, and recovery of dues is the fundamental right of the petitioner, and the respondent is bound under the principle policy to do so.*
- c. *Any other relief or relief which this Hon'ble court may deem fit and proper under the circumstances of this petition.*

2. It is the case of the petitioner that she was appointed as a Worker (BPS-02) in the Karachi Metropolitan Corporation and retired from service on 01.07.2021 after serving honestly and diligently. Her pension registration No. 40341 was duly assigned. After retirement, she approached the concerned authorities for release of her pensionary benefits, gratuity, and other retirement dues; however, the respondents delayed the matter on one pretext or another.

3. It is contended by the learned counsel for the petitioner that due to non-payment of her retirement benefits, she has suffered severe financial hardship and mental agony, having no other source of income to support her family. The petitioner's counsel maintains that the respondents, being a statutory body, are

bound to act in accordance with law and that their failure to release her lawful dues amounts to a violation of Articles 4 and 29 of the Constitution of the Islamic Republic of Pakistan, 1973. She, therefore, seeks directions for the immediate release of all retirement benefits.

4. The learned counsel for the respondent KMC submitted that the petitioner/Mst. Safeena Bibi, who served as a Sanitation Worker (BPS-02) in Korangi Town, retired on 10.07.2021. Her pension case was received on 18.01.2023 and was finalized on 14.09.2023 for an amount of Rs. 1,121,191/- on account of pension commutation. It was further submitted that the petitioner is regularly drawing her monthly pension through HBL. Additionally, after completion of codal formalities, a cheque amounting to Rs. 90,459/- was issued on 13.06.2024 towards Provident Fund. However, it was contended that payment of the commuted pension amount is pending due to acute financial constraints being faced by KMC, which is burdened with accumulated pension liabilities exceeding Rs. 9.550 billion since the financial year 2018-19.

5. When confronted with the settled legal position regarding pension matters as laid down by the Supreme Court, learned counsel for Karachi Metropolitan Corporation submitted that the petitioner's remaining pensionary benefits would be released within one week and requested the disposal of the petition on that basis. Learned counsel for the petitioner, in view of the said statement, also sought the disposal of the petition accordingly.

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

7. It is an admitted position that the petitioner, after rendering service as a Sanitation Worker (BPS-02) in the Karachi Metropolitan Corporation, retired from service and became entitled to pensionary and other retiral benefits in accordance with the applicable statutory rules governing municipal employees. The right to pension is no longer considered a bounty or discretionary relief; rather, it is a vested and enforceable statutory right accruing upon retirement.

8. The Supreme Court of Pakistan has consistently held that pension constitutes a property right and forms part of the employee's earned benefits, which cannot be withheld except in accordance with law. It has further been held that financial constraints or administrative difficulties do not furnish lawful justification for delaying or denying payment of pensionary dues, as such conduct offends Articles 4 and 24 of the Constitution, which mandate that every citizen be dealt with in accordance with law and protect proprietary rights.

9. In the present case, the respondents have acknowledged (i) finalization of the pension commutation amount, (ii) release of Provident Fund, and (iii) payment of monthly pension. The only ground advanced for non-payment of the commuted amount is financial hardship faced by the municipal body. Such a ground, in view of the settled law, cannot absolve a statutory authority of its mandatory obligation to disburse retiral benefits promptly.

10. However, in light of the categorical statement made by learned counsel for KMC before this Court that the remaining pensionary benefits, as disclosed in the comments, shall be released within one week, and the petitioner's counsel having consented to disposal on that basis, the matter does not call for further adjudication on merits.

11. Accordingly, the petition is disposed of with the direction that the competent authority of respondents shall ensure release of the outstanding commuted pension amount. In case of default, the petitioner shall be at liberty to seek appropriate remedy in accordance with law.

JUDGE

JUDGE

Ayaz Gul