

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

**C.P No. D-2567 of 2025
(Khalid Hafiz v Province of Sindh & others)
C.P No. D-2568 of 2025
(Amanat Ali v Province of Sindh & others)**

Dated _____ Order with signature of Judge.

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

Date of hearing and order:- 26.02.2026.

Mr. Sohail Hanif Moosani, Advocate for the Petitioner.
M/s. Naseer Ahmed, Khurshed Jawad and Rehmat-u-Nisa,
Advocates for KDA.
Mr. Abdul Jalil, A.A.G.

O R D E R

Adnan-ul-Karim Memon, J Petitioner Khalid Hafeez has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking the following relief:

- “a) Direct the Respondents to release and disburse all outstanding pensionary and retirement dues of the Petitioner forthwith, as per the applicable laws and rules and orders of the Honorable Apex Court in light of the case of Haji Muhammad Ismail Memon reported in PLD 2007 SC 35 within two weeks without fail.
- b) Declare that the non-payment of such dues is unlawful, unconstitutional, and violative of the Petitioners' fundamental rights;
- c) Grant any other relief deemed just and proper under the circumstances of the case.”

This Court has noted that despite its earlier orders dated 19.01.2026 and 27.01.2026, the Karachi Development Authority (KDA) failed to release the petitioners' dues or submit a compliance report. KDA cited financial constraints, but the Court also emphasized that pension is a vested right and cannot be withheld for administrative or financial reasons (*Muhammad Ismail Memon v. Province of Sindh*, PLD 2007 SC 35; *Muhammad Yousaf v. Province of Sindh*, 2024 SCMR 1689; *Pervaiz Hussain Shah v. Government of Sindh*, 2024 SCMR 309; *Ghulam Sarwar Chang v. Province of Sindh*, 2025 PLC (C.S) 12).

It appears from the record that this Court granted a final period of two months for KDA to release all dues, warning that failure may lead to contempt proceedings under Article 204 of the Constitution.

Learned counsel has filed the list of pensioners and seeks an additional two months for compliance. These petitions are disposed of in terms of the common Order dated 18.02.2026 passed by this Court in C.P. No.D-815 of 2023 and accept thereof is reproduced as under:

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 postretirement 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.”

In view of the above, these Petitions stand *dispose of* in terms of common Order dated 18.02.2026.

JUDGE

JUDGE

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