

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P No.D-4073 of 2025

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| Date | Order With Signature Of Judge |
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1. For orders on office objection.
2. For hearing of main case.

27.02.2026

Mr. Altaf Ahmed, advocate for the petitioner.
Mr. Abdul Jalil Zubedi, AAG.
Ms. Wajiha Mehdi, Assistant Attorney General.

The petitioner, Fareed Ahmed, has filed the instant petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking declaration that he is entitled to full pensionary benefits along with arrears amounting to Rs.13,467,981/- as advised by the Finance Department, and that the decision of the Public Accounts Committee (PAC) for recovery of Rs.5.836 million from his pensionary dues on the basis of Audit Report 2005–2006 is illegal, void ab initio and violative of the principles of natural justice. He has further sought suspension of the impugned PAC decision dated 25.04.2025 and consequential letters dated 12.06.2025 and 17.06.2025, along with directions to the respondents to release his pension, gratuity, leave encashment, GPF and outstanding salaries, and to restrain them from making any deduction during pendency of the petition.

2. Learned counsel for the petitioner submits that the petitioner's pensionary benefits have been withheld pursuant to the PAC directives whereby deduction of Rs.5.836 million has been ordered from his pension arrears, which, after retirement, cannot legally be effected under the pension laws and amounts to violation of Articles 4, 9, 10-A, 14, 24 and 25 of the Constitution.

3. Conversely, learned DAG contends that the petition is misconceived and not maintainable qua Respondent No.2, as no actionable wrong has been attributed to it. It is submitted that upon permanent absorption of the petitioner in the Government of Sindh on 23.02.2007, Respondent No.2 ceased to exercise any administrative or financial control over him and neither sanctions nor disburses his pensionary benefits. She argued that the relief sought indirectly assails the proceedings of PAC, whereas Respondent No.2 is neither the decision-making nor implementing authority, and any grievance relating to pension deduction lies before the competent authority under the applicable service and financial laws; thus, the petition is hit by the doctrine of alternate efficacious remedy. It is further submitted that the petitioner was subsequently retired by the Government of Sindh vide notification dated

07.06.2024, and Respondent No.2 merely conveyed the matter to the Government of Sindh and the Accountant General, Sindh for implementation of PAC directives.

4. When confronted with the legal position that the Supreme Court of Pakistan had ordered repatriation of the petitioner to his parent department, namely the Ministry of Human Development, Social Welfare and Special Education, and that he was relieved by the Government of Sindh vide notification dated 28.10.2014, yet could not join there and was subsequently retired by the Government of Sindh w.e.f. 04.02.2014 vide notification dated 07.06.2024. The learned counsel seeks time to assist this court on the subject issue.

5. Chief Secretary Sindh also directed to assist this court under what law and authority, the Government of Sindh issued notification his retirement from the government of Sindh, despite his repatriation order passed by the Supreme Court.

6. Meanwhile, learned counsel for the petitioner is directed to satisfy the Court regarding the maintainability of the petition.

Adjourned to 12.03.2026. Let a copy of this order be communicated to the Chief Secretary of Sindh for compliance.

JUDGE

JUDGE

