

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

**C.P. No. D-2169 of 2024**

*[Shahid Ali Zaidi V. Government of Sindh and others]*

Date	Order with signature of Judge(s)
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Before:  
Mr. Justice Adnan-ul-Karim Memon  
Mr. Justice Zulfiqar Ali Sangi

For hearing of main case.

**Date of hearing and Order: 14.04.2026**

Mr. Syed Wasi Imam Zaidi, Advocate for the Petitioner.

Mr. Abdul Jaleel Zubedi, A.A.G.

M/s S. Masroor Ahmed Alvi and Rehan Ahmed Kolachi, Advocates for Respondent Nos.2, 3 and 5.

Mr. Shakeel Ahmed Brohi, Accounts Officer, A.G Sindh.

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**ORDER**

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

- a) *To direct the official Respondent No.02 to 05 to enhance the Pension of the Petitioner from Rs. 69,096/- to the current status of pensioner of Grade-18 of Deputy Controller Examination.*
- b) *To direct the Respondent Nos. 02 to 05 to pay the difference in the amount of pension to the petitioner from the date of retirement, i.e., 14.04.2003, till date, because Respondent Nos. 02 to 05 are depriving the petition from his actual pension amount from 14.04.2003 to date.*
- c) *Any other relief(s) which this Hon'ble Court deems fit and proper in the circumstances of the case, be also awarded to the Petitioner.*

2. Learned counsel for the Petitioner submits that the Petitioner is a senior citizen who served the Board of Secondary Education, Karachi (BSEK) as Deputy Controller of Examinations (BPS-18) and retired on 14.04.2003 after rendering unblemished service. Upon retirement, his pension was duly sanctioned and disbursed through the National Bank of Pakistan, BISE Branch, Karachi, following approval by the competent authorities. It is contended that the Petitioner later discovered a disparity in his pension when compared to another officer who retired from the lower post of Assistant Secretary (BPS-17) on 12.12.2003, but was receiving a higher pension. The Petitioner, therefore, approached the concerned authorities through various applications dated 04.01.2017, 26.03.2019, and 05.04.2021, seeking restoration of the commuted portion of his pension and enhancement of the pension in accordance with his BPS-18 status. Although the commuted portion was restored and his pension was fixed at Rs. 69,096/-, his

request for further enhancement remained unaddressed. Learned counsel further submits that the Petitioner also approached the Provincial Ombudsman, Sindh, by filing Complaint No. POS/6841/2021/KC. Despite the issuance of several notices to the respondents, no effective response was received, compelling the Petitioner to withdraw the complaint on 23.11.2023. It is argued that the continued payment of a lesser pension amounts to mala fide and unlawful deprivation of the Petitioner's vested statutory right. Being a retired person with no other source of income, the Petitioner seeks directions for enhancement of his pension in line with the current pension of a BPS-18 Deputy Controller, along with payment of arrears from the date of his retirement.

3. Conversely, the statement submitted on behalf of Respondent No. 04 indicates that the Petitioner served and retired from the Board of Secondary Education, Karachi, which is an autonomous body and does not fall within the audit jurisdiction of the said office. It is submitted that the Board sought an expert opinion regarding the restoration of the surrendered portion of the Petitioner's pension through a letter dated 03.07.2019, to which Respondent No. 04 responded vide letter dated 17.07.2019. Subsequently, pursuant to the directions of the Honourable High Court of Sindh communicated through letter dated 26.08.2025, a fresh calculation of the restoration of pension was provided for guidance vide letter dated 09.09.2025. Respondent No. 04 has further undertaken to comply with any directions issued by this Court in letter and spirit.

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

5. It appears from the record that the petitioner served and retired from the Board of Secondary Education, Karachi, in BS 18. However, his legitimate dues have not been paid, the Board sought an expert opinion from the said office regarding the restoration of the surrendered portion of the petitioner's pension vide letter dated 03.07.2019, to which a reply was furnished on 17.07.2019. Subsequently, pursuant to the directions of this Court communicated through a letter dated 26.08.2025, the office submitted a further response along with a fresh calculation of the restoration of commutation. It is noted, however, that the calculation was erroneously made based on BPS-17, whereas the petitioner had retired in BPS-18, a position that was conceded by the respondents.

6. In view of the foregoing, it is an admitted position that the petitioner served the Board of Secondary Education, Karachi (BSEK) as Deputy Controller of Examinations (BPS-18) and retired on 14.04.2003 after rendering long and unblemished service. The entitlement of the petitioner to pensionary benefits is not in dispute. The record further reflects that although the Board sought expert opinion

from the Accountant General's Office regarding restoration of the commuted portion of pension, and a fresh calculation was subsequently submitted pursuant to the directions of this Court, the said calculation was erroneously carried out based on BPS-17 instead of BPS-18, a fact fairly conceded by the respondents.

7. It is a well-settled principle of service jurisprudence that a pension is not a bounty or ex gratia payment but a vested and enforceable statutory right accruing to a government servant upon retirement. Any denial, delay, or incorrect fixation of pensionary benefits amounts to a violation of the fundamental rights guaranteed under Articles 4 and 25 of the Constitution of the Islamic Republic of Pakistan, 1973, ensuring protection of law and equality before law. Administrative lapses or procedural irregularities cannot be allowed to deprive a retired employee of his lawful entitlements, particularly when he is a senior citizen solely dependent upon his pension for his livelihood.

8. Furthermore, the respondents, being public functionaries, are under a legal obligation to ensure accurate determination and timely disbursement of pensionary benefits. The erroneous calculation based on a lower pay scale is arbitrary, unreasonable, and contrary to law, and therefore warrants immediate rectification to secure the ends of justice.

9. Accordingly, the Accountant General's Office is directed to convene a joint meeting of all concerned parties, including representatives of the Board of Secondary Education, Karachi, within three (03) weeks from the date of this order, for the purpose of recalculating the petitioner's pension strictly based on his retirement in BPS-18 and in accordance with the applicable rules and policies. A compliance report shall be submitted before this Court forthwith upon completion of the exercise. If the petitioner is found entitled to any enhanced pension or arrears, the same shall be released to him expeditiously, preferably within four (04) weeks thereafter.

10. It is further clarified that failure to comply with the directions of this Court within the stipulated period shall render the responsible officials liable to appropriate proceedings in accordance with law, including proceedings under the Contempt of Court Ordinance, 2003.

11. With these observations and directions, the instant Constitutional Petition, along with all pending applications, stands disposed of in the above terms.

JUDGE

JUDGE