

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Constitutional Petition No. D-1094 of 2025
(Suhail Ahmed Soomro versus Province of Sindh & others)

Date	Order with signature of Judge
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Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Abdul Mobeen Lakho

Date of hearing and order: 22.1.2026

Petitioner is present in person

Mr. Shariq Mubashir, Assistant AG

Mr. Talha Abbasi, Amicus Curiae

Ms. Manzooran Gopang, Law Officer, Law Department, Government of Sindh on behalf of respondent No.4

O R D E R

Adnan-ul-Karim Memon, J. The petitioner has filed the captioned Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer: -

- a. *Without further delay pension papers may be ordered to be forwarded to Accountant General Sindh.*
- b. *The respondents responsible for humiliating the petitioner through their ignorance of laws and misuse of authority may be penalized/fined so that they may be careful in future.*
- c. *The DGA&CD and other departments may kindly be bound down for speedy processing and finalization of pension papers in future avoiding trivializes any further order as deemed proper.*

2. The case of the petitioner is that he is a retired civil servant who superannuated on 26.08.2024 as Deputy District Education Officer (BS-18), School Education & Literacy Department, Government of Sindh, pursuant to official notification dated 25.04.2024. His complete pension papers were duly submitted on 27.08.2024 to SGA&CD. Despite no legal impediment, the respondents withheld the petitioner's pension papers on the pretext of seeking legal opinion regarding NAB Reference No. 09/2017. The Law Department opined that disciplinary proceedings *may* be initiated under Rule 1.8(b) of the West Pakistan Civil Services Pension Rules, 1963, within one year of retirement. However, no inquiry was concluded during service, nor was any effective proceeding carried out prior to retirement. The petitioner was earlier arrested in the said NAB reference in 2017, later released on bail, reinstated, promoted from BS-17 to BS-18, and served till superannuation. Although a charge sheet was issued in December 2023 and an inquiry officer appointed, the inquiry remained inconclusive till retirement. After retirement, respondents unlawfully attempted to revive the inquiry and delayed pensionary benefits.

3. The petitioner, who is present along with Amicus Curiae, submitted under Fundamental Rule 54-A that departmental proceedings abate upon superannuation. The Supreme Court of Pakistan has consistently held that pending inquiries cannot continue after retirement and pension cannot be withheld (PLD 2007 SC 35; 1997 SCMR 343; 2010 PLC(CS) 559; 2004 SCMR 678; 2007 SCMR 1643). Pension is a vested constitutional right linked with dignity,

livelihood, and right to life. Delay or withholding of pensionary benefits amounts to illegality and contempt of the Supreme Court directives. The petitioner has suffered severe mental and physical hardship due to the respondents' unlawful conduct and non-compliance with Section 24-A of the General Clauses Act, 1898. This Court has repeatedly ordered the release of pensionary benefits in similar circumstances (CP-D-1497/2020; CP-D-5613/2021; CP-D-4484/2023).

4. Learned AAG submitted that the petition is not maintainable under Article 199 of the Constitution as it pertains to service and disciplinary matters, which fall within the exclusive jurisdiction of the Sindh Service Tribunal under Article 212 of the Constitution and Section 3(2) of the Sindh Service Tribunal Act, 1973, as held in *Ali Azhar Khan Baloch* (2015 SCMR 456) and 2021 SCMR 1390. The petitioner is facing NAB Reference No. 09/2017 involving financial embezzlement of Rs. 1,95,35,553/- A departmental inquiry has concluded against him, and a final show-cause notice was issued on 13.05.2025. Proceedings were initiated within one year of retirement in accordance with Rule 1.8(b) of the Pension Rules, 1963, and are pending conclusion. Hence, withholding of pension is lawful, and the petition is liable to be dismissed.

5. Upon careful consideration of the pleadings, submissions of the learned counsel for the petitioner, the learned AAG, the assistance rendered by the learned Amicus Curiae, and the relevant statutory provisions and case-law.

6. Firstly, the objection raised regarding the maintainability of the petition under Article 199 of the Constitution is misconceived in the facts of the present case. Although service and disciplinary matters ordinarily fall within the jurisdiction of the Sindh Service Tribunal under Article 212 of the Constitution, the controversy herein does not pertain to the imposition of any penalty or adjudication of service rights during service. Rather, it relates to the withholding of pensionary benefits after superannuation, which has consistently been held by the august Supreme Court to be a vested and accrued right, enforceable through constitutional jurisdiction where such right is infringed in a patently illegal or arbitrary manner. In matters concerning denial or delay of pension after retirement, the constitutional jurisdiction of this Court is well established.

7. Secondly, it is an admitted position that the petitioner superannuated on 26.08.2024 and that no disciplinary proceedings were finalized during his service. Although a charge sheet was issued and an inquiry officer was appointed in December 2023, the inquiry admittedly remained inconclusive till the date of superannuation. In terms of Fundamental Rule 54-A and the settled law laid down by the Supreme Court of Pakistan, departmental proceedings which are not concluded during service ordinarily abate upon retirement, and cannot be continued thereafter except in strict conformity with the Pension Rules.

8. Thirdly, Rule 1.8(b) of the West Pakistan Civil Services Pension Rules, 1963 permits initiation of proceedings after retirement within one year only for the limited purpose of determining whether pension should be withheld or reduced, and even then such proceedings must be lawfully instituted and carried to their logical conclusion in accordance with law.

9. In the present case, the record does not reflect that any effective or legally sustainable proceedings were concluded either before or after the petitioner's retirement so as to justify the withholding of his pension. Mere pendency of a NAB reference, without conviction, and an inconclusive departmental process cannot, by itself, deprive a retired civil servant of his pensionary benefits.

10. Fourthly, the reliance placed by the respondents on the pendency of NAB Reference No. 09/2017 is also of no legal consequence at this stage. The petitioner was arrested in 2017, released on bail, reinstated in service, promoted from BS-17 to BS-18, and allowed to serve till his superannuation. No finding of guilt has been recorded against him by any competent forum. It is well settled that pension cannot be withheld merely on the basis of allegations or pending proceedings, in the absence of a final adjudication establishing misconduct or pecuniary loss, as held in PLD 2007 SC 35, 1997 SCMR 343, 2004 SCMR 678, and 2007 SCMR 1643.

11. Fifthly, pension is not a bounty but a constitutional and statutory right, forming part of the right to life, dignity, and livelihood guaranteed under Articles 9 and 14 of the Constitution. The unexplained delay and withholding of pensionary benefits, despite submission of complete pension papers, amounts to arbitrariness, maladministration, and a violation of Section 24-A of the General Clauses Act, 1898, which mandates fair, just, and lawful exercise of statutory powers.

12. In view of the above discussion, this Court holds that the respondents have acted without lawful authority in withholding the petitioner's pensionary benefits after his superannuation. The impugned action is declared illegal, arbitrary, and of no legal effect. Consequently, the respondents are directed to finalize and release the petitioner's full pensionary benefits, including pension, gratuity, and all ancillary dues, forthwith, subject to law, within two months, failing which the petitioner shall be entitled to appropriate relief in accordance with law.

13. The petition is, therefore, disposed of along with pending application(s) in the above terms.

JUDGE

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