

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

CP.No.D-5552 of 2021

Date	Order with signature of Judge
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Before:-

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Zulfiqar Ali Sangi

Date of hearing and order:- 20.04.2026

Habib-ur-Rehman, brother of the deceased is present.

Mr. Muhammad Wasiq Mirza, advocate for the respondents No. 2 to 5
alongwith Ms. Mehwish Ali, advocate.

Mr. Abdul Jaleel Zubedi, AAG.

Petitioner Mst. Darakhshan Ishaq has filed this Constitutional Petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, seeking the following relief:-

a) To direct the respondent No.2 to 5 for releasing of gratuity, leave encashment, pension along with relevant benefits to the petitioner as soon as possible as due to this the petitioner and other family members have got lots of difficulties.

b) To direct respondents No.1 to 5 to consider the petitioner and other legal heirs of deceased on preference for jobs under deceased quota.

c) Any other relief(s), which this Honorable court may deem fit and proper under the facts of the case, may also

2. The petitioner, widow of late Syed Ishaq-ur-Rehman, in her pleadings averred that her deceased husband served at Dow University of Health Sciences (DUHS) in various capacities with dedication until his death on 27.12.2020. She contends that despite repeated requests, the respondents have unlawfully withheld gratuity, leave encashment, pension, and other post-retirement benefits. According to her, the deceased's total service should be treated as a complete period, including earlier service, thereby making him eligible for gratuity. She further alleges malafide conduct on the part of the respondents and states that due to non-payment of benefits, she and her family are facing severe financial hardship. The petitioner also seeks employment for her children under the deceased quota and relies on judicial precedents regarding timely payment of pensionary benefits.

3. Conversely, the learned AAG assisted by the learned counsel for respondents (DUHS) denied the petitioner's claims and submit that the deceased initially served on a contractual basis and was regularized only on 16.05.2016 as Lecturer (BPS-18). They assert that only regular service counts toward gratuity, and since the deceased rendered 4 years and 7 months of regular service, he did not meet the minimum requirement of more than 5 years under the DUHS Pension Statutes, 2007. The respondents maintain that all other admissible benefits, including financial assistance, group insurance, and

provident fund, have already been paid. They further contend that contractual service cannot be counted for gratuity, deny allegations of malafide, and state that the petitioner's children did not apply for available posts, though he/she would be considered subject to eligibility and vacancy. The respondents conclude that the petition is misconceived and liable to be dismissed, when confronted the legal position of the case, both parties agreed in the terms that the competent authority shall hear the petitioner and pass speaking order on the plea taken by the petitioner in the present case, request seems to be reasonable and is acceded to.

4. Without touching the merits of the case, the competent authority of the respondent-University is directed to reconsider the matter on all aspect of the case and decide the petitioner's case strictly in accordance with law by passing a reasoned (speaking) order within a period of three weeks with meaningful hearing. Insofar as the claim for appointment under the deceased quota is concerned, the same shall also be examined and decided in accordance with law. The petition along with pending application(s) stand disposed of in the above terms.

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