

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Constitutional Petition No. D-60 of 2026

PRESENT:

Mr. Justice Riazat Ali Sahar,

Mr. Justice Ali Haider 'Ada'.

Petitioner : *Through* Mr. Ghulam Dastagir A. Shahani, Advocate
Saeed Ahmed son of
Muhammad Ramzan
Shaikh

Respondents : *Through* Mr. Mohsin Ali Khan,
Govt: of Sindh and others Assistant Advocate General, Sindh
along with Arbab Ali Zardari,
Legal Officer, QUEST, Nawabshah

Date of Hearing : 10.06.2026

Date of Order : 10.06.2026

ORDER

Ali Haider 'Ada', J.- Through the instant petition, the petitioner asserts that he retired from the University of Larkano as an Associate Professor and, despite his retirement, has been deprived of his pensionary benefits.

2. Upon issuance of notices, the University of Larkano, through its authorized representative, filed para-wise comments contending that a portion of the petitioner's service was rendered at Quaid-e-Awam University of Engineering, Science and Technology, Nawabshah. It was, therefore, pointed out that the said University was a necessary party to the proceedings. Consequently, learned counsel for the petitioner filed an amended title impleading Quaid-e-Awam University of Engineering, Science and Technology, Nawabshah as a respondent.

3. In response to the notices, respondent No.6, namely Quaid-e-Awam University of Engineering, Science and Technology, Nawabshah, also filed para-wise comments and, while placing

reliance upon the University of Larkano Act, 2023, took the stance that all assets, rights and liabilities relevant to the matter stand vested in the University of Larkano; therefore, it bears no liability towards payment of the petitioner's pensionary benefits.

4. Learned counsel for the petitioner submits that the petitioner's entitlement to pensionary benefits is not disputed; however, due to the conflicting positions adopted by the two Universities regarding their respective liabilities, the matter continues to remain unresolved, resulting in continued deprivation of the petitioner's lawful benefits.

5. Learned Assistant Advocate General, Sindh, while supporting the petitioner's claim to pensionary benefits, submits that the controversy essentially pertains to determination of the authority responsible for making payment. According to him, respondent No.4, namely the Secretary, Universities and Boards Department, Government of Sindh, Karachi, being the competent authority, is in a position to resolve the issue after examining the relevant record and determining the factual and legal position.

6. Heard. Record perused.

7. First of all, it is to be made clear that Pension is neither a bounty, charity, nor an act of benevolence extended at the discretion of the State; rather, it is a vested and enforceable right flowing from the service rendered by a public servant. It enjoys constitutional protection under Articles 9 and 14 of the Constitution, being essentially connected with the rights to life, human dignity, and livelihood. For a retired public servant, pension represents the crystallized reward of years of faithful, honest, and dedicated service. It is, in essence, deferred compensation earned through the employee's labour, commitment, and loyalty to the State. The underlying philosophy of pensionary benefits is founded upon the principle that those who have devoted a substantial part of their

lives to public service should not be left vulnerable, destitute, or dependent upon charity after retirement. In this regard, guidance may be sought from the judgment of the august Supreme Court of Pakistan in the case of *Shakeel Ahmed Kayani v. The Managing Director/Chief Executive Officer, Islamabad* (2026 SCMR 449).

8. Upon perusal of the relevant provisions of **The University of Larkano Act, 2023**, it appears that **Section 2 (n)** thereof defines "Government" to mean the Government of Sindh. Respondent No.4,/ Secretary, being the Principal Officer of the Universities and Boards Department, Government of Sindh, Karachi, is the competent authority responsible for addressing and resolving issues relating to the universities under its administrative control. Since both universities have acknowledged the claim but appear to be in a state of confusion regarding the liability and payment of pensionary benefits, it is appropriate that the matter be examined and resolved by the Principal Officer, Universities and Boards Department, Government of Sindh, so that the issue may be settled in accordance with law.

9. Even otherwise, **Article 24-A of the General Clauses Act** clearly has a provision that the grievances of the citizens shall be redressed on an immediate basis. For ready reference, the said article reads as under:-

24-A. Exercise of power under enactments.-(1) Where, by or under any enactment, a power to make any order or give any direction is conferred on any authority, office or person such power shall be exercised reasonably, fairly, justly and for the advancement of the purposes of the enactment.

10. A bare perusal of the section *ibid* clearly manifests that an Authority, Office or Person making any order or issuing any direction under the powers conferred by or under any enactment is under a legal obligation to decide the matter fairly, judiciously and in accordance with law. The provision further mandates that while exercising such powers, the authority concerned must pass

a speaking order supported by cogent reasons, reflecting due application of mind to the facts of the case as well as the law applicable thereto. In this regard, we are fortified by the dictum laid down by the august Supreme Court of Pakistan in the case of *Muhammad Amin Muhammad Bashir Ltd. v. Government of Pakistan through Secretary, Ministry of Finance (2015 SCMR 630)*, wherein it was held that:

"9 The exercise of discretionary power must be rational and have a nexus with the objectives of the underlying legislature, when it confers a wide ranging power it must be deemed to have assumed that the power will be, firstly, exercised in good faith, secondly, for the advancement of the object of the legislation, and thirdly in a reasonable manner. Section 24A of the General Clauses Act, 1897, reiterates the principle that statutory powers is to be exercised "reasonably, fairly, justly and for the advancement of the purposes of the enactment" and further clarifies that executive authority must give reasons for its decisions. Any action by any executive authority which is violative of these principles is liable to be struck down."

11. Consequently, respondent No.4 is directed to ensure determination of the authority responsible for payment of the petitioner's pensionary benefits and to bring the matter to its logical conclusion in accordance with law. Such exercise shall be completed within a period of three months from the date of receipt of this order, and compliance thereof shall be intimated to this Court. With the aforesaid directions, the instant petition stands disposed of. The office is directed to communicate this order to the Secretary, Universities and Boards Department, Government of Sindh, Karachi, through the learned Advocate General, Sindh, as well as the Chief Secretary, Government of Sindh, for information and necessary compliance.

JUDGE

JUDGE