

## IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Before:

**Mr. Justice Muhammad Saleem Jessar**

**Mr. Justice Nisar Ahmed Bhanbhro**

### **Constitutional Petition No.D-162 of 2025**

Petitioner: Muhammad Afzal Arijo  
Through Mr. Ali Madad Habibullah Arijo,  
Advocate.

Respondent: The State  
Through Mr. Liaqat Ali Shar,  
Additional Advocate General, Sindh

Date of hearing: 23-09-2025

Date of Decision: 23-09-2025

### **ORDER**

**NISAR AHMED BHANBHRO J.-** Through the instant petition, the petitioner claims the following relief:-

- a. To direct the respondents No.2, 3 and 4, Accounts Officer, Additional Accounts General officer and A.G (Accountant General) officer Karachi to immediately clear/pass the pension case of the petitioner in respect of his benefits i.e LPR, Commutation, and remaining amount of G.P.F payment of the petitioner without any further delay.
- b. That this Honorable Court may be pleased to direct the respondent No.6 to 8 prepare and submit other back benefit of petitioner in the office of respondent No.2 to 4 for further process.
- c. To direct the respondent No.4/Accounts Officer, Karachi to start and regularize the monthly pension of the father of petitioner and also pay the arrears of the

monthly pension from March 2023 till to date without further delay.

2. Mr. Ali Madad Arijo, learned counsel for the petitioner contended that late Ali Gohar Arijo was employed in Traffic Police Karachi and he died of natural death on 24-03-2022, his widow also passed away during Iddat period. The obituary of late Ali Gohar was issued by the department vide notification dated 29-11-2022. He argued that late Ali Gohar Arijo at the time of his death left behind Mst. Haseena Khatoon, Safdar Ali, Muhammad Afzal, Rizwan Ali and Mst. Hafsa, as his legal heirs. Since Mst. Hafsa was aged about 18 months, therefore, under the West Pakistan Pension Rules 1963 she was entitled for the grant of family pension.

3. Mr. Liaqat Ali Shar Additional Advocate General contended that under the West Pakistan Pension Rules 1963, unmarried daughter was entitled to receive the family pension as such the entitlement of the unmarried daughter was not questioned but the office of the Accountant General Sindh, has raised serious objections on the genuineness of the birth document of the baby Hafsa. He contended that all the pension benefits excepting monthly pension have been released in favor of the legal heirs. However, the release of pension in favor of baby Hafsa was disputed question of fact which cannot be granted under writ jurisdiction of this court. He prayed for dismissal of petition.

4. Heard arguments. Perused material available on record.

5. Pursuant to the court's notices the office of Accountant General Sindh has submitted the compliance report dated 09-04-2025 which reads as under:-

It is humbly submitted that the pension case of Late Ali Gohar having personal number 10798770 has been approved which will be processed and paid in the monthly payroll of April

2025. Furthermore, the payment of Commutation amounting Rs.463,756/- has also been paid through Off-Cycle Payroll on mid of April 2025.

Moreover, the Hon'ble Court is humbly requested to direct the Deputy Commissioner Larkana for cross verification of the birth documents of Baby Hafsa as the deceased mother delivered the baby Hafsa in the age of 56 years which is rarely seen.

6. It further appears from the record that the office of Accountant General Sindh, vide its letter dated 05-03-2024 had advised the SSP Traffic Police, Korangi Karachi, to probe into the pension case of the petitioner as it appeared doubtful. Per the stance of Accountant General Sindh office, baby Hafsa was born on 04.01.2022 whereas deceased had died on 24-03-2022 and the age of the mother of the baby at that time of her birth was 56 years, which appears to be suspicious as Mst. Haseena in age of 56 was not capable of conceiving baby. For the sake of convenience, the letter dated 05-03-2023 is reproduced below:-

Please refer to your office letter number SSP/TRAFFIC KORANGI/Acctts/14609 Dt: 23-12-2023, as per pension papers submitted in this office, the deceased died during service on 24.03.2022 (vide attested copy of death certificate Dt: 01-07-2022), thereafter his widow also passed away on 30-05-2022 (vide attested copy of death certificate Dt. 01-07-2022). As per Family Registration Certificate, there is a minor daughter HAFSA who was born on 04.01.2022, being minor her sister in law (brother's wife) i.e Ms. Naheed Akhtar D/o Muhammad Siddique w/o Muhammad Afzal Arijo has been declared her guardian by Guardian Judge Larkana vide order Dt. 06.01.2023 (copy enclosed). However, the DCS form issued by concerned bank and physical appearance at this office have also been made in the favor of Muhammad Afzal instead of the Guardian i.e Ms. Naheed Akhtar. Moreover, at the time of birth of Ms. Hafsa, the age of her father and mother were 57 years and 56 years respectively, apparently it seems unusual to conceive and safely deliver a baby in such age.

It seems a doubtful pension case however you are requested to probe the matter whether daughter HAFSA is the real daughter of otherwise.

7. It further appears from the record that to prove that baby Hafsa was registered in the family tree of late Ali Gohar Arijo on 04.07.2023, after about 13 months of his death. Admittedly, the

pension claim of late Ali Gohar Arijo has been actualized excepting the grant of monthly pension to baby Hafsa, which has been disputed by the office of the Accountant General Sindh. Though a succession certificate in favor of Muhammad Afzal has been granted by the competent authority.

8. Since the descendency of baby Hafsa has been disputed by the office of Accountant General Sindh, which cannot be resolved under the writ jurisdiction of this court being a disputed question of fact, hence this court cannot adjudicate upon the claim of the petitioner. For aforementioned reasons, no case for indulgence of this court is made out. This petition is accordingly dismissed. The petitioner may avail appropriate remedy available under the law if so advised.

**JUDGE**

**JUDGE**