

HIGH COURT OF SINDH CIRCUIT COURT, MIRPURKHAS

C.P No.D-320 of 2025

[Sanjar Khan vs. Federation of Pakistan & others]

BEFORE:

JUSTICE ADNAN-UL-KARIM MEMON

JUSTICE RIAZAT ALI SAHAR

Mr. Irfan Umrani, advocate for petitioner(s)

Mr. Kanji Mal Meghwar, advocate for respondent(s)

Mr. Muhammad Sabir, Assistant Attorney General, a/w Chief Legal Officer, HESCO (**Tanveer Abdullah**), Assistant Legal, HESCO (**Abdul Rahim**)

Date of hearing & decision:

12.11.2025

ORDER

ADNAN-UL-KARIM MEMON J. Through this Constitutional Petition, the petitioner has prayed for directions to the respondents to release his pension and related benefits forthwith, including arrears from the date of his superannuation.

2. The case of the petitioner is that he was appointed by HESCO on 12.05.1980 as Linesman, with additional charge of LS-II. He retired on superannuation in 2020. After retirement, he applied for pension and service benefits which were declined by the department (Ref: Para Nos. 611/2019-20 & 465/2015-16, DP No. 659/2020). Allegations in Audit Paras 019/2020, 465/2011-12, and 669/2020-21 regarding non-deposit of material of dewatering work and transformers were found baseless. FIRs were registered for stolen items and the Chief Internal Audit (BPSCO Hyderabad) deleted the petitioner's name from these paras (Letter No. 22.01.2021). The petitioner served grievance notice under Section 33 of IRA 2012 on 27.05.2022 for release of pension, but no action was taken. Respondents sent legal notice for Rs. 2,363,902/-. The petitioner challenged the penalty in CP No. D-3665/2022, which was initially suspended and later disposed, leaving HESCO at liberty to recover any legitimate amount through due process. Respondents filed F.C Suit in 2024 which was dismissed for non-prosecution. Despite this, the petitioner's pension and benefits remain withheld, causing financial hardship. Hence the instant Petition.

3. Counsel for respondent submits that the recovery amount pertains to Audit Paras handled by the Government Audit and is thus recoverable from the petitioner. The petitioner did not inform the Court that these Audit Paras were under Government Audit, nor were they made a party to this petition. The Court is requested to direct the petitioner to get these Audit Paras settled with the Government Audit so that the withheld amount may be released.

4. Pension and retirement benefits are vested right of government servant and not a discretionary grant. Delay in payment causes undue hardship and a retired employee is entitled to receive pension and arrears from the date of superannuation.

5. In this case, the petitioner's name has been removed from the audit paras, indicating that the alleged liability against him has been dispensed with. The respondents claim the audit paras remain under the Government Audit and that the petitioner failed to settle them.

6. The core issue is whether withholding the petitioner's pension is lawful. The petitioner prima facie is entitled to his pension and arrears, subject to lawful recovery. If no valid recovery order exists against the petitioner, continued withholding of pension is unjustified. Even if recovery is due, any deduction must be fair, properly quantified and not result in indefinite suspension of pension benefits. The department is therefore, directed to pay the pensionary benefits to the petitioner within a period of two months.

7. This petition is disposed of in the aforesaid terms.

JUDGE

JUDGE