

# HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD

**C.P No.D-175 of 2025**

[Shakeel-ur-Rehman vs. The Province of Sindh and Others]

**BEFORE:**

JUSTICE ADNAN-UL-KARIM MEMON  
JUSTICE RIAZAT ALI SAHAR

Mr. Asim Shabbir Soomro, advocate for petitioner(s)

Mr. Muhammad Ismail Bhutto, Additional A.G Sindh

Date of hearing & decision: 24.11.2025

## **ORDER**

**ADNAN-UL-KARIM MEMON J.-** The petitioner, through the captioned petition, has sought the following relief(s):-

- a) That this Honourable Court may be pleased to direct the respondents to issue/release the Pension of the petitioner & final service pensionary benefits/gratuity, etc, to the petitioner, which are due upon the respondents.
- b) Costs of the petition may be saddled upon the respondents.
- c) Any other relief(s) which this Honourable Court deems fit, just and proper in favour of the petitioners may be granted.

2. Learned counsel for the petitioner contends that the petitioner joined the Irrigation Department, Government of Sindh as Sub-Engineer on 21.01.1981 and was retired as Assistant Engineer Mechanical (BS-17) on acting charge basis on 09.09.2019. He completed all the formalities including no-dues certificates, despite this, his retirement benefits have not been released; hence the instant petition.

3. Learned Additional A.G. submits that the petitioner was found involved in the misplacement / theft of a dozer, leading to an inquiry after the Chief Minister's approval. The petitioner was suspended on 20.01.2017, and after receipt of inquiry report on 30.11.2018, a show-cause notice was issued on 10.05.2019. Since the petitioner retired during inquiry, it was decided to initiate recovery proceedings through Civil Court and lodge an FIR under the Anti-Corruption Act. Accordingly, F.C. Suit No. 138 of 2023 was filed before Senior Civil Judge-I Kotri for recovery of the missing dozer. He prayed to dismiss the petition.

4. The record reflects a lapse on the part of departmental authorities for not taking action against the Petitioner during his service and allowed him to retire. The Chief Secretary Sindh shall ensure that departmental responsibility is fixed regarding this inaction, while leaving the civil court to adjudicate the pending recovery proceedings in accordance with law within a reasonable time. However, it is evident that the petitioner has retired from service on 09.09.2019. After completing all the formalities, including issuance of no-dues certificates, the service benefits of the Petitioner cannot be withheld, merely because recovery proceedings are pending before a competent court. Accordingly, the respondents are directed to release all pensionary benefits including gratuity and final service benefits, to the petitioner forthwith.

5. The petition is allowed to the extent indicated.

JUDGE

JUDGE

Karar Hussain/PS