

# HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD

**C.P. No.D-1777 of 2023**

[ Mst. Imam Zadi v. Province of Sindh and others]

**BEFORE:**

**JUSTICE ADNAN-UL-KARIM MEMON**  
**JUSTICE RIAZAT ALI SAHAR**

Ms. Somia Usman, Advocate for Petitioner

Mr. Rafiq Ahmed Dahri, Asstt: A.G.

Date of hearing & decision: 04.12.2025

## **ORDER**

**ADNAN-UL-KARIM MEMON J.-** The petitioner, through this Constitutional Petition, has prayed to:-

- a) Declare that the petitioner is a permanent employee of the Health Department.
- b) Direct the respondents to issue a pension to the petitioner from the date of retirement, as the petitioner has served 20 years without any break.
- c) Direct the respondents to release the pension amount to the petitioner as soon as the petitioner needs treatment, as she is remained breast cancer patient and is recently facing multiple health issues.

2. The case of the petitioner is that she was appointed as a Lady Health Worker (BPS-5) in District Shaheed Benazirabad on a contract basis in the year 1996. She diligently performed her duties without any break until 2012. On 19th September 2012, after 17 years of long service, she was regularized. The petitioner retired in 2016; however, she has not been provided with her pension, which gave rise to the present Constitutional Petition.

3. Upon notice, DHO Shaheed Benazirabad has filed comments, stating that under the applicable laws and rules, a civil servant becomes eligible for pensionary benefits only after completing 10 years of regular service. Since the petitioner was regularized on 1.7.2012 and retired in 2016, her period of regular service amounted to only 4 years. Therefore, she was not eligible for pensionary benefits at the time of retirement. The DHO further stated that the petitioner would be entitled to any eligible benefits upon submission of required documents. The DHO prayed for the dismissal of the petition.

4. After hearing the arguments of the parties and upon perusal of the record, it is noticed that the petitioner's services from 1996 to 2012 were rendered on a

contract basis, and she was regularized on 19<sup>th</sup> September 2012. In view of the principle recognized by the Supreme Court regarding the counting of continuous contractual service for pensionary benefits, the period of service rendered by the petitioner before regularization may be taken into account for determining her pensionary benefits.

5. Accordingly, the matter is remitted to the Chief Secretary, Government of Sindh, to examine the petitioner's total length of service, including her contractual service, and to consider the relevant Supreme Court decision on counting contractual service for pension purposes. The Chief Secretary shall hear the petitioner, pass speaking order, and communicate a decision to the petitioner within one month from the date of receipt of this order.

6. The petition is disposed of in the above terms.

A copy of this order shall be transmitted to the Chief Secretary of Sindh for compliance.

**JUDGE**

**JUDGE**

Karar\_Hussain/PS\*