

ORDER SHEET
**THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

C.P. No.D-1687 of 2025
[Mst. Aqeela Gulnaz v. Province of Sindh & others]

PRESENT:

MR. JUSTICE ARBAB ALI HAKRO
MR. JUSTICE RIAZAT ALI SAHAR

Mr. Noor Nabi Samoo, Advocate along-with Petitioner.
Mr. Muhammad Ismail Bhutto, Additional Advocate General, Sindh.

Date of hearing & decision: 17.02.2026

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ORDER

ARBAB ALI HAKRO J.- Through this petition, the petitioner seeks directions for the release of the outstanding pensionary and service benefits of her deceased husband, Pervaiz-ur-Rehman, who expired during service on 21.12.2017, while working as a Lab Technician (BPS-15) at the Institute of Dentistry, LUMHS, Jamshoro. The benefits claimed include gratuity, G.P. Fund, leave encashment, group insurance, benevolent fund and all other admissible dues. She also sought the appointment of her daughter, Mst. Mariam, under the deceased quota.

2. Learned counsel for the petitioner submits that the deceased had contracted two marriages: one with the petitioner and the other with respondent No.10, Mst. Shaheena Rehman. It is asserted that respondent No.10 was divorced during the lifetime of the deceased; therefore, the petitioner alone is entitled to receive the pensionary dues. It is argued that despite repeated approaches to the concerned authorities, the pensionary benefits have not been released, compelling the petitioner to invoke the constitutional jurisdiction of this Court.

3. Barrister Unaib Kamal has filed Vakalatnama and para-wise comments on behalf of respondents No.2 to 6. Learned counsel submits that the deceased indeed had two marriages, and both the petitioner and respondent No.10 were declared surviving legal heirs in F.C. Suit No.1683 of 2022, decided by the learned V-Senior Civil Judge, Hyderabad. The suit was partly decreed to the extent of declaring the legal heirs, whereas the prayer for exclusive entitlement to pensionary benefits was declined. It is further submitted that the respondents are ready to process and release the pensionary dues strictly in accordance with the judgment and decree passed in the said suit and the applicable succession principles.

4. When confronted with prayer clause "C" regarding appointment of the petitioner's daughter on the deceased-quota, learned counsel for the petitioner does not press the same. Accordingly, prayer clause "C" stands **dismissed as not pressed.**

5. It is not disputed before us that both the petitioner and respondent No.10 were legally wedded wives of the deceased at the time of his death, and both, along with their respective children, stand declared as surviving legal heirs in terms of the NADRA report and the Civil Court decree. Under Islamic law of succession, as well as the applicable service rules, the pensionary and service benefits of a deceased Muslim Government servant are to be distributed amongst all surviving legal heirs in accordance with their respective shares.

6. The Supreme Court, in **Civil Appeal No.48 of 2013 (International Islamic University, Islamabad v. Jahanzaib Khan & others)**, has categorically held that Government departments and public authorities must not cause unnecessary delay in processing pensionary and retirement benefits and that any such delay amounts to dereliction of statutory duty. Pension is not a bounty but a vested right accruing to the legal heirs of a deceased employee, and the authorities are under a mandatory obligation to finalize such claims expeditiously.

7. In the present case, the entitlement of the legal heirs already stands determined by a competent civil Court. The respondents have also expressed readiness to process the case in accordance with the law. Therefore, no further adjudication of the disputed facts is required by this Court, and the matter can be disposed of by issuing appropriate directions to ensure timely compliance.

8. Accordingly, this petition is **disposed of** with the following directions:

- i. Respondent No.5 shall process the pensionary and service benefits of deceased Pervaiz-ur-Rehman strictly in accordance with law and the applicable principles of Shariah, by determining the respective shares of all legal heirs, including both widows and their children.
- ii. The exercise of determining and calculating the shares shall be completed within one month, under intimation to the Additional Registrar of this Court.
- iii. Upon completion of the above exercise, the case papers shall be forwarded to respondent No.7 for calculation and disbursement of the monthly pension and other admissible dues to all legal heirs without any further delay.

JUDGE

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