

IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD

Before:
Mr. Justice Arbab Ali Hakro
Mr. Justice Riazat Ali Sahar

C.P. No.D-168 of 2024

For hearing of MA No.9398/2025

Mr. Pervaiz Tarique Tagar advocate for
applicant/petitioner.

Mr. Rafique Ahmed Dahri Assistant A.G. Sindh.

Amicus Curiae Mr. Ashraf Janwari, Additional District
Accounts Officer-II, D.A.O. Hyderabad.

Date of hearing and order: - 10.03.2026.

ORDER

RIAZAT ALI SAHAR, J: - The petitioner filed a constitutional petition seeking release of pensionary benefits, including pension, gratuity and other dues, on the basis of his service as Family Welfare Assistant (BPS-05), which was regularized in 2013. Upon retirement on 09.06.2021, his claim was declined on the ground that his qualifying service amounted to 7 years, 11 months and 12 days, falling short of the required ten years. This Court, vide judgment dated 15.04.2025, directed the petitioner to submit a representation for condonation of deficiency, to be decided sympathetically by the competent authority. Subsequently, in alleged non-compliance, the present contempt application was filed, wherein the respondents maintained that condonation beyond two years was not permissible under the Finance Department rules. Keeping in view the circumstances of the case, vide order dated 05.03.2026, this Court appointed an **Amicus Curiae** to examine whether any provision exists for relaxation beyond the prescribed limit in exceptional circumstances.

2. The learned **Amicus Curiae**, upon examining the relevant rules and instructions, reported that in exceptional cases, deficiency in qualifying service has been condoned beyond the prescribed limit with the approval of the competent authority, i.e., the Chief Minister, Government of Sindh, on the advice of the Finance Department. In support thereof, a precedent was cited wherein

deficiency exceeding two years was condoned for pensionary purposes. It was thus opined that the case of the present petitioner may be referred to the Finance Department for consideration and approval by the competent authority in accordance with law.

3. In view of the above, it appears that the issue pertains to grant of relaxation in qualifying service, which falls within the exclusive domain of the Finance Department and the competent authority. The report of the learned ***Amicus Curiae*** clarifies that such relaxation is not altogether barred and may be granted in exceptional circumstances subject to approval at the highest level. Therefore, we deem appropriate and direct the petitioner to approach the Finance Department, Government of Sindh, by submitting a comprehensive representation along with all relevant documents. Upon such approach, the concerned department shall ensure that the petitioner's case is duly placed before the competent authority, for consideration. The competent authority shall examine the matter in light of applicable rules, past precedents and the observations made herein and shall pass a reasoned and speaking order within a reasonable time.

4. Listed application stands **disposed of**.

JUDGE

JUDGE

Abdullahchanna/PS