

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-923 of 2026
(Mst. Shamim Siddiqui versus Federation of Pakistan & others)

Date	Order with signature of Judge
------	-------------------------------

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Zulfiqar Ali Sangi

Date of hearing and order: 17.3.2026

Chaudhry Sajjad Ali advocate for the petitioner
Ms. Wajiha Mehdi, Assistant Attorney General
Mr. Sajid Ali, Assistant Director (Legal), Pakistan Railways

ORDER

Adnan-ul-Karim Memon, J. Petitioner has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer: -

a. To direct the Respondents to release amount / act according to Notification of Cabinet Secretariat Establishment Division, Government Pakistan, Islamabad in continuation of Notification OM Ni7/40/2005-2 dated 13 June 2006, OM No.8/10/2013-E-3, dated 20 October 2014 OM. No. 8/10/201E IPT) dated 25 May of 2015 for Assistance Package for Families of Government Employees, as per its spirit.

b. To direct the Respondents to release the amount GP fund and Gratuity, Lump Sum Amount, Marriage grant amount on the wedding of one daughter, cash payment in lieu of plot amount and appointment as under the Prime Minister Assistant Package of Government Employee Policy of Late Abdul Majid, the deceased husband of the petitioner in accordance with the law.

C. That this Court had already been allowed these Petitions bearing Nos. 370 to 377 of 2022 vide order dated 04.03.2025, as well as Petitions Nos.5020 and 5021 of 2021, which were of a similar nature. It is, therefore, most humbly prayed that the present Petition may also be allowed on the basis of the same reasoning and in line with the said orders/judgments.

d. To Direct the Respondent No.7 compliance the letter for No.DWO/PRP/2208/2023 Dated. 06.09.2024, Appointment of deceased son namely Muhammad Osama Siddiqui as Sub-Engineer under PMA Package issued appointment letter with from his eligibility with approval the relevant higher Authorities

2. Learned counsel for the petitioner submits that the petitioner, being the widow of late Abdul Majeed (deceased), who served as a Police Constable in Pakistan Railways Police, is legally entitled to the benefits under the Prime Minister's Assistance Package for families of government employees who die during service. He contends that although certain service dues, including G.P. Fund and pension, have been released, the respondents have failed to extend the

benefits of the said package, including lump-sum grant, marriage grant, cash in lieu of plot, and appointment of the deceased's son, despite repeated requests and applicable policy notifications. It is further argued that similarly placed petitioners have already been granted relief by superior courts, and denial of the same amounts to discrimination and violation of fundamental rights. He prayed to allow this petition.

3. Conversely, learned Assistant Attorney General (AAG) assisted by the learned counsel for the respondents/Pakistan Railways submits that the petitioner has already been paid certain dues, including G.P. Fund and leave encashment, while payment of gratuity is subject to priority and pending due to a large number of cases. She further submits that the Prime Minister's Assistance Package is not a vested right but an incentive scheme contingent upon availability of funds. In this regard, it is stated that a demand has already been made to the Prime Minister's Office for release of funds, and the matter is under process. Reliance is also placed on prior orders of this Court wherein similar petitions were disposed of with directions for provision of funds by the competent authority. Both learned counsel prayed for disposal of the instant case in those terms.

4. After hearing learned counsel for the parties and perusing the record, it is an admitted position that the husband of the petitioner died while in service, thereby bringing the case of the petitioner within the ambit of the Assistance Package for Families of Government Employees who die during service, as notified by the Government of Pakistan through various Office Memorandums dated 13.06.2006, 20.10.2014, and 25.05.2015.

5. It is also not disputed that certain service dues, including G.P. Fund and pensionary benefits, have already been extended to the petitioner; however, the core controversy pertains to non-extension of benefits under the Prime Minister's Assistance Package.

6. The contention of the respondents that the said package is subject to availability of funds and is not a vested right cannot be accepted in its absolute sense. Once a policy has been framed by the Government and is applicable to a defined class of employees, its benefits cannot be withheld arbitrarily, and the same must be extended in a fair, transparent, and non-discriminatory manner, in accordance with Articles 4 and 25 of the Constitution of the Islamic Republic of Pakistan, 1973.

7. It has consistently been held by the superior courts that where a government policy confers a benefit upon a class of persons, the authorities are bound to implement the same in its true spirit and cannot deny such benefit

merely on administrative grounds or delay it indefinitely on the pretext of non-availability of funds. In this regard, reliance is placed on the judgments already referred to by the learned counsel for the petitioner, i.e., Constitutional Petitions No. 370 to 377 of 2022 decided on 04.03.2025 and Constitutional Petitions No. 5020 & 5021 of 2021 decided on 29.05.2025, wherein this Court has already directed the respondents to ensure compliance of the Prime Minister's Assistance Package by taking up the matter with the competent authority for release of funds.

8. In such circumstances it is emphasized that benefits flowing from government policies relating to welfare of families of deceased employees are to be implemented in letter and spirit, and delay in such matters defeats the very purpose of the scheme. Insofar as the claim regarding appointment under the Prime Minister's Assistance Package is concerned, the same is also part of the policy framework, subject to fulfillment of prescribed criteria and verification by the competent authority, and cannot be withheld without lawful justification.

9. In view of the above, this petition along with pending application(s) is disposed of with the following directions:

i. The respondents are directed to process and finalize the case of the petitioner for grant of benefits under the Prime Minister's Assistance Package strictly in accordance with the relevant Office Memorandums/policy within a period of three (03) months from the date of receipt of this order.

ii. The respondents shall take up the matter with the competent authority, including the Prime Minister's Office, for release of requisite funds, if not already done, and ensure that the petitioner is not discriminated against vis-à-vis other similarly placed beneficiaries.

iii. The claim of the petitioner regarding cash benefits (including lump-sum grant, marriage grant, and payment in lieu of plot) shall be decided strictly in accordance with law and policy.

iv. The case of appointment of the petitioner's son under the Prime Minister's Assistance Package shall be considered and decided by the competent authority, subject to fulfillment of eligibility criteria, within the same timeframe and law laid down by the learned Federal Constitutional Court and Supreme Court.

v. In case of any delay or failure, the petitioner shall be at liberty to seek appropriate remedy in accordance with law.

JUDGE

JUDGE