

IN THE HIGH COURT OF SINDH, KARACHI

C. P. NO. D-1960 / 2026
(Kokab Jehan Vs. Government of Sindh & Others)

Present:

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Jaffer Raza

Date of hearing and order:- 05.08.2026.

M/s. Naila Tabbassum & Anas Siddiqui, Advocates
for Petitioner.
Mr. Abdul Jalil Zubedi, Assistant Advocate General Sindh.
Mr. Zubair Ahmed, Advocate for private Respondent.

O R D E R

Adnan-ul-Karim Memon, J. The Petitioner has filed this Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan for the following reliefs: -

“It is, therefore, prayed that this Honorable Court may be pleased to direct the Respondents to release the Legal Dues of Deceased FAISAL KHAN, son of MUHAMMAD MUSHTAQ KHAN, Police Constable No. 19860, who expired on 26-06-2019 with Immediate effect and distribute the shares of Estate amount/Legal dues amongst the Legal heirs i.e., Petitioner and above-mentioned legal heirs, according to the Injunctions of Islam.

Any other relief which this Honorable Court may deem fit and necessary “in favour of Petitioner and other Legal heirs mentioned above according to Injunctions of Islam and in the interest of Justice.”

2. The petitioners, being the mother and legal heirs of late Police Constable Faisal Khan, submit that the deceased served in the Sindh Police from 29.06.2002 until his natural death on 26.06.2019 while posted in the Court Police, Karachi. It is averred that during his service, although he was once dismissed, the appellate authority reinstated him on humanitarian grounds by converting the penalty into forfeiture of one year's approved service. After his death, despite the issuance of the death certificate, legal heirship certificate, and family registration certificate, and repeated applications, the respondents failed to release his service benefits, including salary, pension, gratuity, group insurance, and other admissible dues.

3. The petitioners' counsel contend that such withholding of the deceased's estate is unlawful, violates their inheritance rights under Islamic law and the Constitution, and unjustly deprives the lawful heirs of benefits accrued during the deceased's service. She, therefore, seeks directions for immediate release and distribution of all service benefits amongst the legal heirs in accordance with the injunctions of Islam.

4. The learned AAG states that the deceased was a non-gazetted employee and his pension case has not yet been received; accordingly, the matter primarily falls within the jurisdiction of the Police Department, and the office shall process the claim upon receipt of the complete departmental case. However admits the deceased's appointment, reinstatement, and subsequent death during service, but explains that payment of financial dues could not be finalized due to a dispute regarding the identity of the lawful beneficiary. According to the departmental record, the deceased's widow, Mst. Hira Naz, was initially treated as the beneficiary; however, the deceased's brother objected, claiming that she had been divorced before the deceased's death and produced divorce documents in support. Upon verification, the department found that the divorce certificates had been cancelled, while the widow continued to claim her status as the lawful spouse. Owing to this conflicting claim between the deceased's mother and widow, the department withheld payment and requested this Court to determine the rightful beneficiary so that the service dues may be released strictly in accordance with law.

5. The intervener, Mst. Hira Naz, through her counsel, submits that she was legally married to the deceased until his death and denies that any valid divorce ever took place. She alleges that the divorce deed and subsequent NADRA divorce certificates relied upon by the petitioners were forged by the deceased's brother after the death of the deceased to deprive her of pensionary benefits. He points out that both divorce certificates were subsequently cancelled by the relevant Union Councils and NADRA authorities, and criminal proceedings were also initiated for alleged forgery. However, he admits that she contracted a second marriage on 30.08.2021, and asserts that she remains entitled to pension and other service benefits accrued from the date of the deceased's death until her remarriage. On this basis, she seeks impleadment as a necessary party and prays that her lawful share in the pensionary and service benefits be protected. The application has not been objected to by the petitioner, which is accordingly allowed, and she be impleaded as a party in the proceedings by assigning a proper number to the application by the office if not earlier assigned.

6. When confronted with this legal position of the case, the parties present in court agreed to the extent that the intervener, Mst. Hira Naz is entitled to receive the service benefits of the deceased accrued from the date of the deceased's death until her remarriage, as per her share under the law.

7. In view of the pleadings of the parties, the admitted factual position and the consensus arrived at during the course of hearing, we have noticed that there is no dispute regarding the appointment of late Police Constable Faisal Khan, his reinstatement in service vide appellate order dated 31.03.2017, or that he died in

harness on 26.06.2019 while serving in the Sindh Police. It is equally undisputed that the deceased earned service benefits including salary, gratuity, pensionary benefits, group insurance and other admissible dues, which constitute vested statutory rights accruing from his service. The only controversy which prevented the release of such benefits was the rival claim between the deceased's mother and the alleged widow regarding the identity of the lawful beneficiary.

8. The record further reveals that the respondents have not denied their statutory liability to release the admissible service benefits. Rather, the Police Department candidly admitted that payment could not be processed solely because of the dispute relating to the status of Mst. Hira Naz, whereas the Accountant General has taken the position that the pension papers have yet to be received from the concerned department. Thus, there exists no legal impediment to the release of the benefits except determination of the rightful beneficiaries in accordance with law.

9. The intervener, Mst. Hira Naz, has consistently maintained that she remained the legally wedded wife of the deceased till his death, that the alleged divorce documents were forged, and that the divorce registration certificates relied upon by the petitioners stood cancelled by the competent authorities, with criminal proceedings having also been initiated in respect thereof.

10. Significantly, during the course of hearing, the parties have amicably resolved the controversy by agreeing that the intervener is entitled to receive the service benefits accrued from the date of the death of the deceased until the date of her subsequent remarriage on 30.08.2021, strictly to the extent of her lawful share.

11. Under the West Pakistan Civil Servants Pension Rules, 1963, read with the Sindh Civil Servants Act, 1973, the Sindh Financial Rules, and the applicable Government instructions regulating family pension and death-cum-retirement benefits, the family pension is a statutory benefit payable to the eligible surviving spouse upon the death of a government servant. Such entitlement continues until the occurrence of any statutory disqualification, including remarriage where so provided under the relevant pension scheme. Consequently, the remarriage of the widow on 30.08.2021 does not retrospectively extinguish her vested entitlement to family pension and other admissible benefits for the period commencing from 26.06.2019 up to the date of remarriage. Any benefits becoming payable thereafter shall devolve upon the persons declared eligible under the applicable pension rules.

12. Likewise, gratuity, group insurance, leave encashment, salary arrears and other service dues constitute the estate of the deceased employee unless specifically governed by nomination or statutory provisions. In the absence of any valid nomination having overriding statutory effect, such dues devolve upon the legal heirs in accordance with the Islamic law of inheritance. It is well settled that a legal heir cannot be deprived of his or her prescribed share except in accordance with law, and distribution of the estate must strictly conform to the Quranic principles of succession after payment of funeral expenses, debts and other lawful liabilities.

13. The superior Courts have consistently held that pension and retiral benefits are valuable statutory rights and not discretionary concessions, and once earned, they cannot be withheld except under express authority of law. Administrative authorities are under a legal obligation to process and release such benefits within a reasonable time and cannot indefinitely suspend payment merely because of an inter se dispute amongst legal heirs; where such dispute exists, the competent authority must seek appropriate adjudication or act in accordance with the declaration made by a competent Court.

14. Since the present dispute regarding the status of the widow has substantially been resolved through the consensus of the parties, and the intervener has been impleaded without objection, no useful purpose would be served by further withholding the admitted service dues. The official respondents are, therefore, under a statutory obligation to finalize the pension case and release all admissible service benefits strictly in accordance with the relevant service rules and the applicable law of succession.

15. Accordingly, with the consent of the parties, and without touching the merits of the case, this petition is disposed of with the following directions:

1. The respondents shall process and release all admissible service benefits of late Police Constable Faisal Khan, including family pension, gratuity, group insurance, leave encashment, salary arrears and all other lawful dues, strictly in accordance with the West Pakistan Civil Servants Pension Rules, 1963, the Sindh Civil Servants Act, 1973, the applicable Government Rules and the relevant financial regulations.
2. Mst. Hira Naz shall be treated as entitled to receive the family pension and other admissible benefits accruing from 26.06.2019 until 30.08.2021, being the date of her remarriage, to the extent permissible under the applicable pension rules and law.
3. The remaining retirement benefits and estate of the deceased shall be distributed amongst all lawful legal heirs strictly in accordance with law

and any valid succession/heirship certificate or other declaration issued by the competent forum.

4. The competent authorities shall complete the entire exercise and release the admissible amounts to the entitled beneficiaries within sixty (60) days from the date of receipt of a certified copy of this order.
 5. If any dispute survives regarding the quantum of shares or distribution of the estate beyond what has been agreed before this Court, the parties shall be at liberty to seek determination before the competent Civil Court or other forum of competent jurisdiction, and such dispute shall not constitute a ground for withholding the admitted statutory service benefits.
16. The petition, along with all pending applications, stands disposed of in the above terms. However, with no order as to costs.

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