

IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
LARKANA

Constitution Petition No.D-61 of 2026

Before:
Mr. Justice Riazat Ali Sahar;
Mr. Justice Ali Haider 'Ada'.

Petitioner : Mst. Mehar-u-Nissa D/o Muhammad
Siddique, wife of Ashiq Ali Chandio,
through Mr. Wakeel Ali
Shaikh, Advocate.

Respondents : Province of Sindh and others, through
Mr. Mohsin Ali Khan,
Assistant Advocate General Sindh.

Date of Hearing : 23.09.2026.

Date of Order : 23.09.2026.

ORDER

Ali Haider 'Ada, J.- The instant petition has been filed seeking directions to respondents, Accountant General, Sindh, and the District Accounts Officer, Kamber-Shahdadkot, to process the petitioner's pension case and release the arrears of her monthly salary allegedly withheld from the year 2015 until her retirement. Directions have also been sought against the Secretary, Finance Department, Government of Sindh, Karachi.

2. The petitioner's case is that she served in the Education and Literacy Department, Government of Sindh, as a Primary School Teacher. During her service, a show-cause notice dated 14.12.2016 was issued to her regarding the genuineness of her appointment, whereafter, according to her, her personal ID was

also blocked. Subsequently, the petitioner relied upon an order placed at page 27 of the petition, whereby she claims to have been compulsorily retired from service by way of a major penalty. Her grievance is that, despite such compulsory retirement, her pensionary case has not been processed.

3. Learned counsel for the petitioner, while filing a rejoinder, submits that the petitioner was compulsorily retired by the Director Schools Education, (Primary), Larkana, and, having been compulsorily retired pursuant to a major penalty, she became entitled to pensionary benefits in accordance with law.

4. On the other hand, comments have been filed by the District Accounts Officer, Kamber-Shahdadkot, as well as the District Education Officer (Primary), Kamber-Shahdadkot, wherein it has been stated that the petitioner's salary was stopped in the year 2015.

5. Comments have also been filed on behalf of the Accountant General, Sindh, stating that the petitioner's personal ID was blocked on the recommendation of the JIT and that no request has so far been received from the concerned administrative department for unblocking the same.

6. On 21.09.2026, the Secretary, Education and Literacy Department, Government of Sindh, Karachi, appeared in person and submitted a compliance statement. He stated that, upon scrutiny of the available record, neither the post of Primary School Teacher nor the designation of the petitioner was mentioned in the alleged offer of appointment and that no record regarding regularization of the petitioner's services was available. He further stated that appointments to the posts of

Primary School Teacher, Junior School Teacher and Higher School Teacher throughout the province had been made through a third-party testing process since 2001, and that no direct appointments to the post of Primary School Teacher had been made since then, whereas the petitioner claims to have been appointed in the year 2001.

7. The Secretary further stated that the petitioner's personal ID had remained blocked since 2015 and that she was not reflected in the departmental system as an active government employee. He also stated that the show-cause notice relied upon by the petitioner, followed by the alleged order of compulsory retirement, did not correspond with the official record maintained by the Directorate of School Education (Primary), Larkana. He categorically stated that no record of the alleged order of compulsory retirement was available in the official record and that the document relied upon by the petitioner was materially inconsistent with the departmental record, as specifically stated in paragraph No.11 of his compliance statement.

8. Learned Assistant Advocate General, Sindh, has adopted the stance taken by the Secretary, Education and Literacy Department. He further submits that it is an important circumstance that the petitioner admits that her salary was stopped in 2015, yet she remained silent for a considerable period and has approached this Court only in 2026 by relying upon an alleged order of compulsory retirement issued by the Director, School Education (Primary). According to learned AAG, the said authority was not competent to impose the major penalty of compulsory retirement. He further submits that,

prima facie, the documents relied upon by the petitioner are not available in the official departmental record, yet the petitioner seeks to derive benefit by presenting the matter as an ordinary pension case. He, therefore, submits that the matter requires appropriate inquiry by the competent agency regarding the authenticity and source of the documents relied upon before this Court and prays for dismissal of the petition.

9. Heard and perused.

10. At the very outset, the claim of the petitioner is categorically disputed by the principal officer of the department, who is also the competent authority, particularly with regard to the authenticity and existence of the documents relied upon by her. The controversy thus involves disputed questions of fact, including the genuineness of the alleged appointment, the status of her service record, and the alleged order of compulsory retirement. Such factual controversies cannot appropriately be resolved in the exercise of the Constitutional jurisdiction of this Court, particularly where the official record itself contradicts the petitioner's claim. Reliance in this regard may be placed upon **Special Secretary-II (Law and Order), Home and Tribal Affairs Department, Government of Khyber Pakhtunkhwa, Peshawar and others v. Fayyaz Dawar (2023 SCMR 1442), Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and others v. Intizar Ali and others (2022 SCMR 472), Province of Punjab through Secretary Communication and Works Department, Lahore through Chief Engineer (North/Central) Punjab Highway Department, Lahore v. Yasir Majeed Sheikh and others (2021 SCMR 624), and Messrs Fateh Yarn (Pvt.) Ltd. Faisalabad v.**

Commissioner Inland Revenue Faisalabad and others (2021 SCMR 1133).

11. Furthermore, it is evident from the record, and is also admitted by the petitioner, that she did not receive any salary since the year 2015. However, she has failed to demonstrate that she had actually been paid salary from the date of her alleged appointment until the year 2015. Despite this, she has approached this Court primarily on the basis of a letter whereby she allegedly claims to have been compulsorily retired from service. Significantly, the said alleged order of compulsory retirement purportedly issued by the Director, Primary School Education, has not been owned or acknowledged by the Secretary, Education and Literacy Department; rather, in paragraph No.11 of his compliance report dated 21.09.2026, the Secretary has stated that no such order is available in the official departmental record.

12. Furthermore, the petitioner's claim fails at its very foundation, as the legality and genuineness of her appointment itself have been disputed by the competent departmental authority. In such circumstances, this Court cannot, in the exercise of its constitutional jurisdiction, place its endorsement upon the petitioner's claim merely on the basis of the alleged order of compulsory retirement and hold that she has acquired any vested right to pensionary benefits. The petitioner's alleged appointment, as well as the continuation of her service up to the alleged order of compulsory retirement, remains disputed by the competent authority, which has specifically denied the authenticity and existence of the relevant documents in the official record. It was, therefore, incumbent upon the petitioner,

as a matter of first instance, to establish the lawful foundation and genuineness of her appointment before seeking any consequential or pensionary relief from this Court. Reliance in this regard may be placed upon **Superintendent of Police Headquarters, Lahore v. Aijaz Aslam (2024 SCMR 1831)** and **Secretary, School Education, Government of Punjab v. Asghari Begum (2023 PLC (CS) 214)**.

13. Keeping in view the foregoing facts and circumstances, the matter is referred to the Chairman, Anti-Corruption Establishment, Sindh, for inquiry into the authenticity and source of the documents relied upon by the petitioner and for taking further action, strictly in accordance with law. The matter involves a serious allegation that false or fabricated documents, may have been produced before this Court. **The Chairman, Anti-Corruption Establishment, shall, therefore, ascertain whether any departmental official or other person facilitated or supported the petitioner in procuring or managing such documents and, if so, take appropriate action against such delinquent(s) in accordance with law.** In case the petitioner herself is found responsible for submitting or relying upon false or fabricated documents, appropriate proceedings may also be initiated against her in accordance with law.

14. For the foregoing reasons, the instant Constitutional Petition, being misconceived and devoid of merit, is hereby dismissed. Let a copy of this order be transmitted to the Chairman, Anti-Corruption Establishment, Karachi, for compliance.

**JUDG
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JUDGE