

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-451 of 2016

Date

Order with signature of Judge

Present:

Mr.Justice Muhammad Ali Mazhar
Mr.Justice Adnan-ul-Karim Memon

Mst. Fouzia.....Petitioner

V E R S U S

Inspector General of Prisons, Sindh & others.....Respondents

Date of hearing: 23.12.2016

Mr. Mahmood Habibullah, Advocate a/w Petitioner
with her children Natasha Jillani, Gohar Jillani and
Faraz Jillani.

Mr. Abdul Jalil Zubedi, A.A.G.

Muhammad Ali Mazhar, J: Basically the petitioner is the widow of Asif Jillani who died on 04.03.2011. The names of his legal heirs are mentioned in paragraph 1 of the petition. The pension was started to be paid to the petitioner but it was stopped w.e.f. 31.12.2015 on the ground that the petitioner deliberately concealed her second marriage and continued to get the pensionary benefits of first husband. Today the petitioner is present with Natasha Jillani, Gohar Jillani and Faraz Jillani, while the respondent No.2 is also her daughter but she is called absent despite notice. The learned counsel argued that though the petitioner has contracted second marriage but it does not mean that her children will be deprived of pensionary benefits of their deceased father. The age of Natasha Jillani is 20 years and she is unmarried, while Gohar Jillani is aged about 17 years and Faraz Jillani is aged 15 years. They are students and unemployed and need some money for their studies and

livelihood, while the respondent No.2, another daughter of the deceased is married and she is doing job as Computer Operator in Police department.

2. The learned A.A.G. on this situation concedes that the above-mentioned legal heirs are entitled to the pensionary benefits of their deceased father in accordance with the law and he requests that Inspector General Prisons, Sindh may be issued some directions to finalize the case and forward the same to the Accountant General Office for starting payment of pensionary benefits to these legal heirs. In this regard the petitioner shall also submit the relevant documents including guardianship certificate of minor children of deceased Asif Jillani. However, it is clearly stated by the petitioner that she will not claim any pensionary benefits of her deceased husband Asif Jillani for her own due to her second marriage. Petition is disposed of accordingly with pending application.

Judge

Judge

Asif