

IN THE HIGH COURT OF SINDH, AT KARACHI

Present:

Mr. Justice Irfan Saadat Khan

Mr. Justice Adnan-ul-Karim Memon

C.P No. D- 6745 of 2015

Sikandar Khan Laghari.....Petitioner

V/s

Province of Sindh & others.....Respondents

Date of hearing: 14.11.2018

Mr. Harichand Rai, advocate for the petitioner.

Mr. Shahriyar Mehar, AAG a/w Mr. Khalil Jakhro & Mr. Imran Shaikh, internees of AG office.

ORDER

ADNAN-UL-KARIM MEMON, J:- Through the captioned Constitution Petition, the petitioner has sought the following relief(s):-

- a. **Call for explanation that under what law and authority the respondents No.2,3 & 4 have refused to entertain and consider the case of petitioner for payment of pension and retirement benefits.**
- b. **Hold and declare that the respondent No.4/Market Committee Karachi is responsible for payment of pension and retirement dues of the petitioner under sub-rules of rule 14 of Sindh Market Committee Unified Grade Service Rules 1933 and amended rules vide notification SO (PMP)/5/(396)/2008 dated 04.06.2012.**
- c. **Declare that non-payment/grant of pension and retirement benefits/dues to the petitioner by the respondents No.2,3 & 4 since the day of retirement i.e. 01-09-2014 is illegal, violative of statutory rules and laws and infringement of fundamental rights of the petitioner.**

d. Direct the respondents particularly respondents No.2, 3 & 4 to immediately release/grant monthly pension, funds, dues retirement benefits and any other dues/sum/amount to the petitioner since the day of retirement viz.01-09-2014 till date and onwards alongwith mark-up @ 20% per annum.

2. At the very outset, the learned counsel for the petitioner stated that he would be satisfied if the instant petition may be disposed of in the terms of order dated 29.5.2018 passed by this Court in C.P No.D-7336 of 2015.

3. In order to appreciate the contention of the learned counsel for the petitioner, it is expedient to have a look at the order dated 29.05.2018 passed by this Court. An excerpt of the same is reproduced as under:-

“We under the circumstances, direct all the respondents to make sure that the pensionary benefits of the petitioners and other pensioners, who have retired from the different market committees of the Sindh are paid their pensions promptly without any delay, which is their fundamental right. However, so far as the payment of arrears are concerned the formula as proposed by the respondents about 30% allocation with the consent of the parties is hereby endorsed and all the market committees are directed to strictly adhere to the suggested formula with regard to the allocation of the 30% of each market committee fund to be pensioners for payment of the arrears strictly in accordance with the order passed.”

4. Prima-facie the contention of the petitioner seems to be fair and reasonable and falls within the ambit of the terms of the order passed by this Court in the aforesaid petition.

5. In the light of above facts and circumstances of the case, we are of the considered view that this petition can be disposed of in the above terms. At this stage, we asked from the learned AAG regarding his point of view, he in reply to the query, consented for disposal of the instant petition in the terms of the order dated 29.05.2018 passed by this Court in C.P No.D-7336/2015.

6. In the wake of above discussion to the captioned petition is disposed of by directing the respondents to grant relief to the petitioners in the terms of order dated 29.05.2018 passed by this Court in C.P No.D-7336/2015.

JUDGE

JUDGE

Nadir/PA.