

Order Sheet
IN THE HIGH COURT OF SINDH AT KARACHI
Constitutional Petition No. D – 3840 of 2020

Date	Order with signature of the Judge
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Before:
Mr. Justice Nadeem Akhtar
Mr. Justice Adnan-ul-Karim Memon

13.10.2020 :

Syed Ansar Hussain Zaidi, advocate for the petitioner.

Mr. Altamash Arab advocate along with Kanwar Mohsin Ali Khan,
Senior Manager (Admn.) KTR-II, PTCL.

Mr. Muhammad Nishat Warsi, DAG.

NADEEM AKHTAR, J. – The grievance of the petitioner, who is a retired employee of respondent No.2 / PTCL, is that pension has not been / is not being paid to him in accordance with law as substantial amounts have been / are being deducted therefrom illegally by the respondents on account of rent. Vide order dated 19.08.2020 while ordering notice on this petition, respondents were directed to submit a statement before this Court showing the amount payable to the petitioner towards his pension and the amount deducted therefrom. In compliance of the aforesaid order, a statement was submitted on 17.09.2020 by respondent No.2 confirming that an amount of Rs.8,040.00 is being deducted since the year 2015 on monthly basis from the petitioner's pension. In view of the above statement, it was observed by this Court on 17.09.2020 that the above deduction by the respondents on account of rent is illegal and as such they are liable to refund the entire amount, so deducted, to the petitioner. On that date, respondent No.2 was directed to submit a statement before this Court on the next date of hearing showing the entire amount deducted by respondents 1 and 2 on account of rent from the pension of all their retired employees ; and on 24.09.2020, respondent No.2 was further directed to submit an undertaking before this Court that rent shall not be deducted by PTCL in future from the pension of any retired employee.

Mr. Altamash Arab advocate files power on behalf of respondent No.2, which is taken on record. In compliance of order dated 24.09.2020, statement dated 13.10.2020 has been submitted by learned counsel for respondent No.2 along with a statement / list containing the names of all those retired employees of respondent No.2, including the present petitioner, from whose pension amounts have been deducted illegally on account of rent. The above statement shows that a huge amount of **Rs.80,171,049.00** has been deducted illegally by respondent No.2 from the pension of its **119** retired employees. An undertaking has also been submitted by Senior Manager (Admn.) KTR-II, PTCL, Kanwar Mohsin Ali Khan, in compliance of the aforesaid order that in future PTCL shall not deduct rent from the pension of any retired employee. All the above are taken on record.

It is well-settled that no amount on account of rent can be deducted from pension. On behalf of respondent No.2, their above named officer undertakes that the amount of **Rs.476,373.00** illegally deducted from the petitioner's pension on account of rent shall be refunded to him **within thirty (30) days from today**. Learned counsel for the petitioner is satisfied with the above undertaking and seeks disposal of the present petition in terms thereof. Regarding the amount illegally deducted by respondent No.2 from the pension of other retired employees on account of rent, further undertaking has been given by the above named officer on behalf of respondent No.2 that the entire said amount shall be refunded to all the said retired employees **within three (03) months from today**, and for this purpose they shall publish a public notice in leading English and Urdu newspapers having large circulation throughout Pakistan, inviting all the said retired employees to collect their refund. Respondent No.2 is directed to submit a compliance report to this Court in terms of this order through MIT-II **latest by 31.01.2021**.

By consent, the petition is allowed in the above terms with no order as to costs and listed application stands disposed of accordingly.

JUDGE

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