

Order Sheet
IN THE HIGH COURT OF SINDH KARACHI

Before:

Mr. Justice Nadeem Akhtar

Mr. Justice Adnan-ul-Karim Memon

Const. Petition No. D –2735 of 2015

Mst. Rani Mari

Versus

Province of Sindh and 05 others

Date of hearing
& order : 23.10.2020

Mr. Ahmed Ali Ghumro, advocate for the petitioner.

Mr. Hakim Ali Shaikh, Additional Advocate General, Sindh along with Raza Mian DSP (Legal).

O R D E R

ADNAN-UL-KARIM MEMON, J. Through the captioned constitutional petition, the petitioner is seeking a declaration to the effect that her late husband Constable Muhammad Laiq Mari embraced *Shahadat* during service on 26.7.2012 and he may be declared as *Shaheed* (martyr) and all the benefits as admissible under the law may be granted to her being a widow.

2. Mr. Ahmed Ali Ghumro, learned counsel for the petitioner, has argued that petitioner's husband who was constable died while performing duties and was thus fully entitled to the status of Shaheed, however, a committee in terms of the Sindh Shaheed Recognition and Compensation Act, 2014, not competent to do so decided against granting her such status. Learned counsel refers to section 2(a) of the Sindh Shaheed Recognition and Compensation Act, 2014, wherein the competent authority for this Act is Chief Minister and not the committee which decided the fate of petitioner's husband and his family; that committee even otherwise was factually incorrect in holding that petitioner's husband died due to personal enmity without assigning reason in the findings; that committee erred in holding in its meeting held on 28.8.2014 above; that petitioner is fully entitled to the benefits of Shaheed. He lastly prayed for allowing the instant petition.

3. When confronted with the legal position of the case, learned counsel for the petitioner candidly conceded that the petitioner died due to private

vengeance and not in the line of duty. However, he submitted that petitioner-widow is entitled to family pension as admissible to her under the law. Learned AAG agreed for disposal of the instant petition to consider the case of the petitioner-widow for the family pension if the deceased Police Constable Muhammad Laiq Mari had the length of service.

4. In view of the above, the competent authority of respondents is directed to consider the case of the petitioner-widow for her family pension if her deceased husband had a requisite length of service to claim pensionary benefits on account of family pension. The aforesaid exercise shall be completed by a speaking order within one month from the date of receipt of this order after hearing the petitioner. By consent, this petition is disposed of in the above terms with no order as to costs.

J U D G E

J U D G E

Shahzad*