

Order Sheet
IN THE HIGH COURT OF SINDH AT KARACHI
Const. Petition No. D – 5695 of 2020

Date	Order with signature of Judge
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For hearing of Main Case :

11.12.2020 :

Mr. Muhammad Khan Lakho, advocate for the petitioner.

Mustafa Kamal, Postmaster General, Metropolitan Circle, Karachi,
Ateeq-ur-Rehman, Assistant Director, office of Postmaster General,
Karachi and Arshad Pervaiz, Accounts Officer (Legal) DAPPO.

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NADEEM AKHTAR, J. – Through this petition, the petitioner has prayed that the respondents be directed to release his monthly pension as well as the commutation amount sanctioned at the time of his retirement, which have been illegally withheld by them. Comments have been filed by respondent No.3 wherein it has been admitted that the commutation amount of pension has been withheld as after his retirement from service the petitioner has failed to hand over possession of the quarter allotted to him. It has also been admitted by respondent No.3 that rent of the quarter is being deducted on regular basis from the petitioner's pension. In view of the above, respondent No.3 has attempted to justify the impugned action of withholding the commutation amount and deduction of maintenance allowance.

It may be observed that it was the duty of the respondents to take over possession of the subject quarter from the petitioner after his retirement and if he was not willing to vacate the same, even then it was for the respondents to take appropriate steps in accordance with law for taking over possession of the quarter. In any event, the commutation amount could not be withheld on the above ground nor could any deductions be made from the amount payable to the petitioner on account of his pension. The law on this point is well-settled. The above named officials present on behalf of the respondents undertake that in future monthly pension and/or commutation amount shall not be withheld by the respondents on the above ground in respect of any employee of Pakistan Post.

In the above circumstances, respondents are directed to pay the entire outstanding commutation amount to the petitioner as well as the amount deducted from his pension on account of rent. The above exercise shall be completed without fail within sixty (60) days and compliance report in terms of this order shall be filed by the respondents within ten (10) days thereafter through MIT-II of this Court.

The petition is allowed in the above terms with no order as to costs. Listed application stands disposed of accordingly.

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