

IN THE HIGH COURT OF SINDH KARACHI

Before:

Mr. Justice Nadeem Akhtar

Mr. Justice Adnan-ul-Karim Memon

Constitutional Petition No.D-6766 of 2019

Muhammad Shaukat Qadri,
Petitioner, through:

Syed Ansar Hussain Zaidi, advocate

Federation of Pakistan,
Respondent No.1 through:

Mr. Muhammad Nishat Warsi, DAG

Pakistan Telecommunication
Employees Trust,
Respondent No.2 through:

Mr. Azhar Mahmood, advocate

Date of hearing and decision:

14.01.2020

ORDER

Adnan-ul-Karim Memon, J. This matter pertains to pensionary benefits of the petitioner which is of paramount consideration. We have heard learned counsel for the parties on the issue of granting similar treatment as meted out with the colleagues of the petitioner in C.P No.D-5734/2018 and C.P No.D-6225/2018. It is contended by the learned counsel for the petitioner that the petitioner stood retired from service of respondent-Pakistan Telecommunication Company Limited on 18.02.2008 as a Lineman (BPS-11) under Voluntary Separation Scheme (VSS) and was drawing monthly pension up-till November, 2011, but the respondent No.2 illegally and unlawfully stopped and withheld his pension, on the premise that the petitioner has failed and neglected to clear his accommodation dues owed by him to the respondent-company. It is contended that the impugned action has adversely affected his life. It is further contended that the petitioner through this petition is seeking same relief as has been granted to the petitioners in similar nature of petitions bearing C.Ps. No.D-5734 of 2018 and 6225 of 2018.

Prim facie, the petitioner has qualifying length of service to his credit as per VSS calculation work sheet available at page-11 of the memo of petition. It is well settled law that no pension granted or continued to the pensioner is liable to seizure by the

department under Pension Act, 1871, and the rules framed thereunder. Learned counsel for the petitioner has pointed out that the entire pension of the petitioner has been stopped without assigning any reason. Be that as it may, we may observe that pensionary benefits cannot be stopped on account of charges of official accommodation availed, if any, by the petitioner. However, if at all the Respondent No.2 is interested in recovering the amount they have their own recourse under the law available which they can pursue, however, we may observe that such amount cannot be deducted from pension and pensionary benefits cannot be stopped on that score. Thus, respondent No.2 is liable to release and pay the pension amount to the petitioner to which he is entitled under the law.

In view of the above, this petition stands disposed of with no order as to costs with direction to the competent authority of respondents to look into the matter of the petitioner and provide similar treatment to him as given by this Court to his colleagues Shakeel Ahmed and Anis Hyder in C.P No.D-5734/2018 and C.P No.D-6225/2018, respectively.

JUDGE

JUDGE

Nadir*