

ORDER SHEET
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

C.P. No.D-1075 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE (S)
	1. For orders on office objections.
	2. For hearing of M.A. No.5262/2020.
	3. For hearing of main case.

07.04.2021

Mr. Ahsan Gul Dahri, Advocate for the petitioner.
Mr. Allah Bachayo Soomro, Additional Advocate General, Sindh.

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Statement has been filed by concerned officer present in Court wherein a claim has been made against the petitioner that certain show-cause were issued against the petitioner in certain alleged sums. Learned counsel submits that these issues have been existing since 2012 and time and again has been made basis to discriminate petitioner malafidely to the extent that a letter was issued as annexure-I available at page-55 dated 11th July 2019 wherein respondent Food Department was directed to conclude all inquiries pending against the petitioner in one year of petitioner's reaching to his age of superannuation. Counsel states that no conclusive findings were given in respect of any of the pending inquiries.

Drawing this Court's attention to Rule 54-A of Fundamental Rules, 1922 and placing reliance on the judgments reported as *Wahid Khursheed Kunwar Vs. Employees Old Age Benefits Institute & others [SBLR 2019 Sindh 608]* and *Ghulam Nabi Vs. Federation of Pakistan through Secretary Ministry of Finance, Islamabad and 5 others [2018 PLC (C.S.) Note 69]*, counsel further states that once a civil servant attains age of superannuation any inquiry remaining unconcluded according to said Rule gets abated. The said Rule is reproduced as under:

“Rule 54-A of Fundamental Rules, 1922 says that if disciplinary action was initiated against civil servants and the action remained inconclusive during course of his service and he retired on attaining the age of superannuation in the meanwhile, not only unconcluded action would abate but civil servant would also be entitled to full pension/pensionary benefits, but here in this case no inquiry was

pending when the petitioner was in service and the action has been taken by the respondents after his retirement and without hearing him.”

In the given circumstances, we do not find any substance in the statement filed by respondent No.4 and placing reliance on the said Rule as well as quoted judgments, we direct the respondent Food Department to make payment of all outstanding amounts in respect of Monthly pension etc. from the retirement date as well as retirement/pensionary benefits including Gratuity, Benevolent Fund, GP Fund etc. be paid to the petitioner within two weeks and file a compliance report to this Court through Additional Registrar of this Court.

The petition is disposed off in above terms with pending application.

JUDGE

JUDGE

*Muhammad Danish Steno**