

IN THE HIGH COURT OF SINDH AT KARACHI

Before:
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Adnan Iqbal Chaudhry

Constitutional Petition No. D – 4172 of 2020

Sami Iqbal
Versus
Pakistan Post through its Director General and 04 others

Date of hearing & order : 21.04.2021

Syed Ansar Hussain Zaidi, advocate for the petitioner.

Mr. Muhammad Nishat Warsi, DAG along with Mr. Rahat Ali, Assistant Superintendent on behalf of respondent No.3.

ORDER

ADNAN-UL-KARIM MEMON, J. – Through this petition, the petitioner has prayed that respondents may be directed to release his pension illegally withheld by them and to restore future monthly pension as per his entitlement. At the outset, both the parties concede the legal position of the case and seek disposal of this petition in the light of the order dated 08.12.2020 passed by this Court in C.P. No. D- 4940/2020. At this stage, learned counsel for the petitioner referred to his application under Section 151 CPC bearing CMA No.121/2021 and submitted that the respondent-department in compliance with the order dated 22.09.2020, deposited a cheque for Rs.974,302.00 (Rupees nine hundred forty-seven thousand three hundred and two only) in favour of the petitioner in respect of the amount deducted by the respondents illegally from the petitioner's pension on account of rent, with the Nazir of this Court, which fact is confirmed by the Nazir through his report dated 15.10.2020, which is available on record. He, therefore, prayed for the direction to the learned Nazir to pay the aforesaid amount to the petitioner. Learned DAG has referred to the compliance report dated 13.10.2020 and endorsed the request of the petitioner accordingly.

There seems to be no impediment for releasing the aforesaid amount to the petitioner lying with the Nazir of this Court in compliance with the order dated 13.10.2020 passed by this Court, therefore, Nazir is directed to release the aforesaid amount to the petitioner after proper verification and identification.

In view of the legal position of the case, the case in hand is akin to the case decided by this Court in C.P. Nos. D-4940/2020 as discussed supra. By consent, this petition is disposed of along with the pending application(s) in terms of order dated 08.12.2020 passed by this Court in C.P. No. D-4940/2020.

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Nadir