

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

**CP NO.D-6344, 5860, 6903, 7753 & 8038 OF 2019,
824 & 4450 OF 2020**

Date

Order with signature of Judge

08.09.2021

Mr. Raja Jawad Ali advocate for petitioners in CP No.D-824/2020.

Mr. Muhammad Rizwan Saeed advocate for petitioners in CP No.D-7753/2019 and 4450/2020

Mr. Ali Safdar Debar, AAG alongwith Dr. Liaquat Ali Abro and Manzooran Gopang, Law Officers, Law Department

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Instant petition pertains to the group insurance of the civil servants. Learned AAG has referred section 8 of the ***Sindh Civil Servant Welfare Fund Ordinance 1979*** which speaks that :-

8.Arrangement with insurance company: (1) Where the arrangement has been made with the insurance company or other insurer under clause (a) of subsection (3) of section 6, the sum in which a civil servant is insured shall, **on his or her death be paid-**

- (a) to such member or members of his or her family as is or are nominated by him or her in full or in such shares as are specified by the deceased civil servant at the time of making the nomination; or
- (b) where no valid nomination of the civil servant exists at the time of his or her death, **to his family, and in absence of the family, to his surviving relatives, if any**, in the manner and in the shares in which the gratuity of a deceased civil servant is payable under the Pension Rules; or
- (c) in absence of the persons referred to in clauses (a) and (b), **to the holder of succession certificate obtained from a court of competent jurisdiction.**

(2) Where the amount referred to in sub-section (1) is paid to a nominee or nominees, **such nominee or nominees shall distribute the amount among all heirs of the deceased civil servant according to the personal law to which the deceased was subject.**

2. According to learned AAG only in case of death of employee during service or within five years of his/her retirement, the group insurance can be awarded to the legal heirs.

3. The position, so placed by learned AAG, regarding entitlement of group insurance amount, give rise to a proposition that:

“If an employee, by bless of Allah almighty, survives more than five years of his retirement, then what would be the fate of such amount, particularly if same is paid from salary of employee?”

It is also surfaced that there is a Provincial Welfare Board chaired by the Secretary, Finance Department who is the competent authority to enter into contract with the insurance company, therefore, it would be in all fairness to deliberate the issue after getting assistance by the Chairman, Provincial Welfare Board. Accordingly, he shall be in attendance alongwith contract signed with the insurance company as well he shall clarify whether that amount is deducted from the salary or benefits of the civil servants or directly by the government through any other means.

4. The learned AAG would assist this Court by placing the view of Honourable Apex Court on said issue as well other applicable law.

5. To come up on 22.09.2021. CP No.D-5199/2020 shall also be tagged alongwith present petitions. Office to place copy of this order in connected petitions.

J U D G E

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