

IN THE HIGH COURT OF SINDH KARACHI

Before :

Mr. Justice Muhammad Iqbal Kalhoro

Mr. Justice Adnan-ul-Karim Memon

Constitutional Petition No.D-286 of 2022

Mst. Ashraf

Petitioner: Through Mr. Aitbar Ali Sahito, advocate

Respondent No.1: Through Mr. Ali Safdar Depar, AAG

Respondent No.2: Through Syed Masroor Ahmed Alvi, advocate

Date of hearing
& Decision: 10.01.2023.

ORDER

Through the captioned petition, the petitioner-widow is seeking direction to the respondent- Chairman Board of Secondary Education Karachi (BSEK) to release the pensionary benefits of her late husband namely Muhammad Ibrahim Ujjan (Junior Clerk) who passed away on 22.08.2015.

2. The office of respondent Board vide comments has admitted the claim of the petitioner and opined that the deceased Muhammad Ibrahim Ujjan, Ex-J.C.C.T has two wives one is petitioner Mst. Ashraf Khatoon who has six children and the other Bakhtawar who died leaving behind eight children, therefore, both the wives of the deceased have a 50:50 share in respect of monthly family pension and amount of accrued arrears as specified below:

Medical Allowance	+Rs.1257/67
Pension	=Rs.17,208/10
Net Monthly Family Pension payable including	Rs.18,465/74
Medical Allowance (Computed w.e.f. 23.08.2018 to 01.07.2021)	
Amount of Arrears of Family Pension (Accrued w.e.f. 23.08.2015 to 31.01.2022)	=Rs.107,5999/71
Deduction of Rent against occupied staff Quarter Flat No.E-8	(-) Rs.107,019/67
Net Amount Payable	Rs.971,980/04

3. We have heard the learned counsel for the parties and have perused the material available on record.

4. In view of the above, there appears no resistance on the part of the respondent Board to allow the petition, however, subject to the orders passed by this Court as well as comments filed on behalf of the respondent Board and conditions enumerated therein.

5. In the light of the foregoing, the competent authority of respondent BSEK is directed to release family pension and interest accrued thereon/arrears to the legal heirs of deceased Muhammad Ibrahim Ujjan as per their entitlement/share under the pension rules. The amount so deposited by the respondents with the Nazir of this court in pursuance of the orders dated 29.04.2022 and 16.05.02022 shall also be disbursed to unmarried daughters of the deceased as per their respective share. The aforesaid exercise shall be completed within one month from the date of receipt of this order after hearing the petitioner-widow and unmarried daughters and other legal heirs of the deceased, if any.

6. By consent, this petition is disposed of in the above terms with no order as to costs.

JUDGE

JUDGE

Nadir*