

Order Sheet  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD  
**C. P. No. D – 3759 of 2022**

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DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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For orders on office objections.  
For hearing of main case.

**02-03-2023**

Ms. Tahrim Jawahery advocate for the petitioner.

Mr. Rafique Ahmed Dahri, Assistant Advocate General, Sindh alongwith Najamuddin Memon, Assistant Executive Engineer, Tube Wells Sub-Division, Tando Adam.

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Through this petition, the petitioner has prayed that the respondents be directed to release the pension, gratuity, G.P. Fund and other post-retirement benefits of her late husband Ubedullah Bajwa. Comments have been filed by respondents 2 and 3. In paragraph 5 of his comments, respondent No.3 has stated that the name of the petitioner's husband in the service record is Abdullah and not Ubedullah. Respondent No.3 Najamuddin Memon, Assistant Executive Engineer, Tube Wells Sub-Division Tando Adam, present in Court, reiterates the contents of his comments. He submits that unless the name of the husband of the petitioner is corrected in the service record, his dues cannot be released in favor of his widow / petitioner. No other objection has been raised by the respondents.

It is significant to note that the contents of the petition have not been disputed in their comments by any of the respondents, and respondent No.2 / Executive Engineer Tube Well Division-II Hala has admitted in his comments that the husband of the petitioner was working in Tube Wells Sub-Division Tando Allahyar of Tube Wells Division Tando Jam. It is not the case of the respondents that this is a case of mistaken identity, or that the petitioner is claiming pension etc. of some other person other than her husband, or that Abdullah and Ubedullah were two different persons. Respondent No.3 present in Court concedes that in the CNIC, Death Registration Certificate and Heirship Certificate, the name of the petitioner's husband is mentioned as Ubedullah Bajwa. He further concedes that the amount on account of pension etc. in the name of Abdullah is still lying with the respondents and no one has ever claimed the same. In view of the above admitted position and also as the respondents are willing to settle the claim of the petitioner subject to correction of her husband's name in his service record, it is clear that the amount on account of pension etc. in the name of Abdullah lying with the respondents belongs to the petitioner's husband.

It may be observed that creation of service record of an employee, making entries therein and maintaining the same in an accurate manner is the sole responsibility of the employer / department, and the employee does not have any role therein except for providing relevant information and data to the employer / department ; and, in case of any error, discrepancy and or change in the service record, it has to be corrected / amended by the employer / department on its own after fulfillment of requisite codal and legal formalities. As the name of the petitioner's husband in his CNIC, Death Registration Certificate and Heirship Certificate is admittedly Ubedullah Bajwa, needless to say his widow / petitioner cannot be deprived of any of his dues merely on account of any mistake or error appearing in his service record.

In view of the above, the respondents are directed to release all the outstanding dues of the late husband of the petitioner in her favour without fail within thirty (30) days, and to submit compliance report to the Additional Registrar of this Court within seven (07) days thereafter. The petition is allowed in the above terms with no orders as to costs.

J U D G E

J U D G E

Irfan Ali