

ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT
MIRPURKHAS

Constitution Petition No.D-721 of 2024

(Muhamad Yaqoob Anjum Vs. P.O Sindh & others)

Constitution Petition No.D-722 of 2024

(Mazhar Muhamad Vs. P.O Sindh & others)

DATE ORDER WITH SIGNATURE OF JUDGE

Before

Adnan-ul-Karim Memon, J

Amjad Ali Bohio, J

Date of hearing & Order 12.08.2024

Petitioners alongwith their advocate Mr. Karamullah Memon
Respondent No.07 in person in C.P No.721/2024
Respondent No.06 in person in
Nisar G. Abro, D.A.G Pakistan
Mr. Ayaz Ali Rajpar, A.A.G Sindh

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ORDER

Adnan-ul-Karim Memon, J. The petitioners seek direction to the respondents to clear their pensionary benefits and other ancillary dues.

2. Respondent No.7 present in court submits that all / entire Amount of the pensionary benefits of the petitioners have been paid. He submitted that dues of the petitioner Muhamad Yaqoob Anjum has also been paid vide cheque No: 1381215267 Rs: 11,40,581/- dated: 08-08-2024, and monthly current pension for July 2024 Rs: 50,469/- vide Cheque No: 1381215268, dated:08-08-2024 ABL Bank Mirpurkhas Branch to the petitioner, and nothing dues/arrears of the petitioner and prayed for vacating the orders dated 11-06-2024 and 25-06-2024, for stoppage of salary of Secretary Agriculture, Administrator Market Committee Mirpurkhas as well as Secretary Finance Department, and this petition may be disposed of.

3. The aforesaid stance has been refuted by the learned counsel for the petitioners.

4. We have heard learned counsel for the petitioners as well as the representative of the department and learned A.A.G. on the subject issue and perused the record with their assistance.

5. This is a matter of grave concern that for several years, the long and unjustified delay in payment of pensions has been a source of tremendous hardship and humiliation to retiring officials and their families. Despite strictures and orders passed by the Honorable Supreme Court of Pakistan in its various pronouncements and simplified guidelines laid down by the Government, petitions on account of delay persist. It is well-settled law that no pension granted or continued to the pensioner is liable to seizure by the department under Pension Act, 1871, and the rules, framed thereunder. Besides, there is no power for the Government to withhold Gratuity and Pension during the pendency of the departmental proceeding or criminal proceeding if any. Even it does not give any power to withhold Leave Encashment at any stage either before the proceeding or after the conclusion of the proceeding.

6. In the light of the foregoing, we direct the competent authority of the respondents to resolve the issue of pension and service benefits of the petitioner if not earlier resolved, including arrears if any outstanding, in its true perspective, within one month; and if they are entitled under the law, in terms of the ratio of the judgment passed by Supreme Court in the case of Haji Muhammad Ismail Memon, **PLD 2007 SC 35**.

7. These petitions stand disposed of in terms of the ratio of the Judgment passed by Supreme Court in the case of Haji Muhammad Ismail Memon.

JUDGE

JUDGE