

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
C.P.No.D-3709 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
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24.09.2024.

Mr. Faizan Ahmed Memon, advocate for petitioner.
Mr. Aamir Ali Memon, advocate for respondents No.6 to 10.
Mr. Bashir Ahmed Almani, Deputy Attorney General
Mr. Shumail Ahmed Cheema, Legal consultant, PCSIR.

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Precisely stated facts are that the petitioner was appointed on 'Fellowship' for a period of two years in NPSL Cell Pakistan Council of Scientific & Industrial Research (**PCSIR**) Laboratories Karachi, vide order dated 27.07.1985. After completing Fellowship, he was appointed as Junior Engineer (BPS-17) of professional Cadre in PCSIR, vide Departmental Circular No.512/825/85, dated 28.12.1987; he was then promoted as Senior Engineer (BPS-18) vide order dated 15.11.2006. Thereafter, he joined Sui Southern Gas Company Limited (**SSGC**) on deputation basis, vide letter dated 22.06.2009, from where he retired from his service as Chief Engineer in Grade-VI in SSGC, Karachi on 14.09.2019. Through instant petition, he, *inter alia*, seeks directions to respondents to release the valid monthly pension remuneration as per last salary slip in which basic pay reached at Rs.154,700/- with annual increments; directions to respondents to release Gratuity, Benevolent funds, GP Funds for the period of 25 years and other allowances and direction to respondents to pay medical expenses.

2. Heard and perused the record.
3. Admittedly, the petitioner served in SSGC from 24.06.2009 to his date of retirement i.e. 14.09.2019 and he has already received all the service benefits for said period from the SSGC, however, through instant petition he claims benefits of service he rendered from 27.07.1985 to 23.06.2009 in PCSIR.

4. In response, the respondent-PCSIR has filed parawise comments, which reflect that the petitioner's contribution for the period he served in PCSIR from 28.12.1987 to 23.06.2009 was calculated by the Pension Branch of PCSIR at Rs.600,122/- and G.P Fund available with PCSIR at Rs.191,914/-, which was conveyed to SSGCL by the PCSIR vide letters dated 25.04.2011, 21.03.2013, 10.03.2016 and 31.12.2019. The petitioner has received the copy of parawise comments filed by the respondent-PCSIR but he did not prefer to file any Affidavit-in-Rejoinder in rebuttal. Admittedly, the last salary slip was issued to petitioner by the SSGC and he has already drawn his retirement benefits, hence, under no rule the respondent-PCSIR is under obligation to pay retirement benefits to petitioner as claimed by him except the aforesaid amount of pension and G.P Fund available with PCSIR.

5. So far the prayer of the petitioner for post-retirement medical expenses is concerned, the same has been opposed by the respondent-SSGC and in this regard learned counsel appearing on behalf of respondent-SSGC has referred to rule 29.6.1 of SSGC HR Policy Manual, which reads as under:-

“Medical Benefits;

29.6.1. Retired Executives: *Retired executives that are eligible for post-retirement medical facility (at least 10 years of continuous service in executive cadre and hired prior to April 2019) are entitled to the same medical benefits available for them during their service tenure. However, medical benefits are limited to self and spouse in Pakistan. Retired executive eligible for post-retirement benefit, however, can opt for monetary benefit instead of Post-Retirement Medical Facility equivalent to seven times of medical cost executive / spouse availed in last year. However, Management has the discretion to accept / reject such request for monetary benefit.”*

6. It is an admitted position that the petitioner has served in SSGC for one year on deputation and nine years and three months as regular employee. During his deputation period, he received his salaries and other benefits from

SSGC. If the said period is added towards his regular service in SSGC, the same comes to ten years and three months. As such, to meet the condition of serving at least 10 years of continuous service in executive cadre, it appears that the petitioner was hired prior to April 2019, and he has met the requirement. Therefore, he is entitled for the post-retirement medical facilities as provided under SSGC HR Policy Manual.

7. We, therefore, allow this petition by holding that the petitioner is entitled for the post-retirement medical facility under the SSGC HR Policy Manual.

JUDGE

JUDGE

Ahmed/Pa