

IN THE HIGH COURT OF SINDH AT KARACHI  
CP. No. D-4117 of 2019  
(*Dr. Muhammad Ali Abbasi Vs. Province of Sindh & others*)

Date	Order with signature of Judge
	Before: Mr. Justice Muhammad Karim Khan Agha Mr. Justice Adnan-ul_Karim Memon

**Date of hearing and order: 28-01-2025.**

Petitioner is present in person  
Mr. Ali Safdar Depar, Assistant AG  
Malik Altaf Hussain advocate for KMC

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**ORDER.**

**Adnan-ul-Karim Memon J:-** The petitioner Dr. Muhammad Ali Abbasi has prayed to:-

1. *Direct respondents No.2 to 5 to release the gratuity funds to the petitioner without further delay.*
2. *Direct the respondents to place the record before this Court if any material based on which they are withholding the gratuity funds.*
3. *Declare that such acts of respondent No. 03 to 5 using delaying tactics in issuing gratuity funds are without legal justification and against the principles of natural justice.*

2. The petitioner, present in person, submits that he retired from Leprosy Hospital Manghopir, KMC, as Medical Superintendent in BPS-20 on 02.12.2017, but has not received his full retirement benefits, causing financial hardship.

3. Learned counsel representing Karachi Metropolitan Corporation has submitted that petitioner received Rs.27,425,721/- and draws Rs.241,830/- monthly pension. He argued that KMC has not implemented the 15% (2019-20) and 10% (2020-21) annual pension increases due to a lack of funds from the provincial government. Per learned counsel over 23,000 pensioners have not received increases, impacting them by Rs.3.169 billion (Rs.488.6 million/month) from July 2019 to June 2024. This stance has been disputed by the petitioner who is present in person and submitted that the amount of Rs.11,03,054 (Eleven lac three thousand fifty-four rupees only) of yearly increase of pension is still pending and this increase is accumulative from time to time and KMC is not adding any interest on delayed payment.

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

5. This is a matter of grave concern that for several years, the long and unjustified delay in the payment of pension has been a source of tremendous hardship and humiliation to retiring officials and their families. Despite the strictures and orders passed by the Supreme Court of Pakistan in its various pronouncements and simplified guidelines laid by the Government, petitions on account of delay persist.

6. In the case of *Haji Muhammad Ismail Memon* (PLD 2007 SC 35), the Supreme Court observed in paragraph 07 that it is a pathetic condition that Government servants, after having served for a considerable long period during which they give their blood and sweat to the department, had to die in a miserable condition on account of nonpayment of pension/pensionary benefits, etc. Thus, everyone who is responsible in any manner for delaying the case of such retired officers/officials or widows or orphan children for the recovery of pension/gratuity and G.P. Fund has to be penalized. In the end, the Supreme Court issued strict directions that all the Government Departments, Agencies, and Officers deployed to serve the general public within the limit of the Constitution as well as by the law shall not cause unnecessary hurdles or delays in finalizing the payment of pensionary/retirement benefits cases in future and violation of these directions shall amount to criminal negligence and dereliction of the duty assigned to them. The payment of pensionary benefits is protected under the law, rules, and regulations.

7. The respondent states that annual increases are a provincial policy decision, and KMC will implement them if funds are provided for the 15% (2019-20) and 10% (2020-21) increases.

8. So far as the stance of the respondent that the claim of annual increases is a policy decision of the provincial government and the KMC has no objection if the provincial releases funds for annual increase annual increases @ Rs. 15% and 10 % for the year 2019-20 and 2020-2021.

9. KMC claims to be an autonomous body and has not adopted the increases, so the petitioner's claim is invalid. The petitioner counters that increases have been paid (per bank statements), and the KMC is obligated to continue them.

10. Without touching the merits of the case of the issue of annual increases in the pensionary emoluments of the petitioner, in terms of policy decision of the provincial government, such annual increase, if permissible in the case of employees of KMC, requires further assessment to be made by the court of

plenary jurisdiction. KMC's reluctance due to funding issues and lack of adoption of provincial increases, creates a factual dispute that cannot be resolved in writ jurisdiction, requiring the petitioner to pursue other legal avenues.

JUDGE

JUDGE