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ORDER SHEET
THE HIGH COURT OF SINDH CIRCUIT COURT AT LARKANA
C.P.No.D- 621 of 2018

Date	Order with signature of Judge
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1. For orders on office objection-A.
2. For orders on maintainability of main case.

29.01.2020

Mr. Asif Ali M. Chandio, Advocate for the petitioner, along with the petitioner.

Mr. Abdul Hamid Bhurgri, Additional Advocate General.

Abdul Ghaffar Memon, Regional Director (HM) Larkana & authorized officer market committee, Larkana and Imtiaz Hussain Lakho, Secretary Market Committee, Larkana

The petitioner, who was working in Market Committee, Larkana as Inspector in BPS-11 and retired on 09.8.2012 from his service has maintained this petition for the payment of his pension and gratuity.

The comments have been filed on behalf of respondents No.3 and 4 on 15.12.2018 stating therein that every Market Committee, which is a body corporate, ⁻¹⁸⁻²² working under Section 14 of (APM) Act, 1039 and Rules 1940 and collect Market Fee under section 19 and Rule 29 as per prescribed schedule and it does not receive any grant from Government of Sindh. Market Committee makes payment to employees on account of salaries and monthly pension under Section 16 and Rule 21 (APM) Act 1939 and Rules 1940 from its own generated available income.

Today, Abdul Ghaffar Memon, Regional Director (HM) Larkana & authorized officer market committee, Larkana and Imtiaz Hussain Lakho, Secretary Market Committee, Larkana, are present, they have invited attention of this Court towards Order dated 29.5.2018, passed by a Division Bench of this Court in C.P.No.D-7336 of 2015, filed by some of the retired employees of Market Committees, whereby the respondents were directed to make sure that the pensionary benefits of the petitioners and other pensioners, who have retired from the different market committees of the Sindh are paid their pensions promptly without any delay, which is their fundamental right. So far as the payment of pension arrears are concerned,



the formula as proposed by the respondents viz. 30% allocation from the collection was endorsed and all the market committees were directed to strictly adhere to the suggested formula with regard to the allocation of 30% of each market committee fund to the pensioners for payment of the arrears strictly in accordance with the order. They while filing the statements signed by Secretary, Market committee, Larkana state that as per alleged formula the petitioner is being paid regular pension as well as arrears in installments.

It reflects from the perusal of said statements that the petitioner was paid on 1.12.2018 an amount of Rs.35000/- towards his arrears of pension and on 05.3.2018, an amount of Rs.40,000/-, on 20.4.2018 an amount of Rs.34685/- and then after 20 months on 24.12.2019, an amount of Rs.50,000/-. No explanation has been furnished in the statements for non-payment of arrears of the pension to the petitioner in missing 20 months, which otherwise, suggests something else. It is an admitted position that at present an amount of Rs.1919152-00, has to be paid to the petitioner by the respondents towards his outstanding pension arrears, who got retirement in the year 2012.

We, therefore, direct the respondents to pay aforesaid balance pension amount to the petitioner within two months hereof without fail else they will expose themselves for the contempt proceedings.

Petition stands disposed of in above terms.


JUDGE


JUDGE

S.Ashfaq



