

ORDER SHEET  
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR  
C.P No.D-1346 of 2023

Date	Order with signature of Judge
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1. For hearing of main case.

**15.10.2024**

Mr. Imtiaz Ali Abbasi, Advocate along with Petitioner  
Mr. Ali Raza Balouch, AAG along with Hazoor Bux Memon, District  
Accounts Officer, Sukkur

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In furtherance of Court's order dated 03.10.2024, learned AAG has placed before this Court a copy of Office Memorandum dated 23.10.1983, under title "Further Liberalization of Liberalized Pension Rules for Civil Servants-Family Pension", updated on 24.06.2024 where in terms to family pension under Section (II) following liberalization have been affected. It shall be advantageous to reproduce Section-II (Family Pension) as under:-

"SECTION II:-FAMILY PENSION

8. (1) Family for the purpose of payment of pension at '[75 percent) of gross or net pension as the case may be under para 6 (b) of this Division O.M. No.F. 6(1)Rev.1/75 dated 07.01.1977, will be as defined in para 5 (1) above. It will also include the Government servant's relatives mentioned in sub-para (2) paragraph 6 above.

(2) (a) A pension sanctioned under section will be allowed to:-

(i) Widow of the deceased for her life, if deceased is a male Government servant. If the Government servant had more than one wife, and the number of his surviving widows and children does not exceed 4, the pension shall be divided equally among the surviving widows for life and children. If the number of surviving widows and children together is more than four, the pension shall be divided in the following manner, viz. each surviving widow shall get 1/4th of the pension and the balance if any shall be divided equally among the surviving children. For the purpose of this clause, the term "children" exclude sons above the age of 21 years.

[(ii) [failing widow or husband, as the case may be, the pension shall be divided equal among the surviving son(s) not above 21 years and unmarried daughters(s) / widow daughter(s) / divorced daughter(s) till marriage/remarriage).

[(iii) failing (i) and (ii) to the eldest surviving unmarried daughter till her marriage; if the eldest daughter marries or dies, the next eldest daughter till her marriage].

((iv) failing (i) to (ii) to the widowed daughter for life or till her re-marriage.

- (v) failing (i) to (iv) to the divorced daughter for life or till her re-marriage].
- (vi) failing (i) to (iv) to the eldest widow of a deceased son of the Government servant for 10 years or un-expired portion of 10 years.
- (vii) failing (i) to (v) to the eldest surviving son below 21 years of age of a deceased son of the Government servant for 10 years or un-expired portion of 10 years.
- (viii) failing (i) to (vi) to the eldest un-married daughter below: 21 years of age of a deceased son of the Government servant for 10 years or un-expired portion of 10 years
- (viii) failing these, to the eldest widowed daughter of a deceased son of the Government servant for 10 years or un-expired portion of 10 years.

Supplementary instruction: Please see Instruction below paragraph 6 (1) above.

b) In the event of no pension being payable under clause (a) the family pension may be granted:

- (i) to the father for life;
- (ii) failing the father to the mother for life];
- (iii) failing the father and the mother, to the eldest surviving brother below the age of 21 years;
- [(iv) failing (i) to (iii), to the eldest surviving un-married sister for life or till her marriage, if the eldest unmarried sister marries or dies, the next eldest unmarried sister for life or till her marriage].
- (v) failing (i) to (iv), to the eldest surviving widowed sister for 10 years or un-expired portion of 10 years.

(3) No pension will be payable under this Section:-

- (a) to a person mentioned in clause (b) of sub-para (2) of this para without production of a reasonable proof that such person was dependent on the deceased Government servant for support;
- (b) to an un-married female member of a Government servant's family in the event of her marriage;
- (c) to a widow female member of a Government servant's family in the event of her re-marriage;
- d) to the brother of a Government servant on his attaining the age of 21 years: (
- (e) to a person who is not member of a Government servant's family.

(4) A pension awarded under this Section will not be payable to more than one member of a Government servant's family at the same time, except as provided for in sub-clause (i) of clause (a) of sub-para (2) above”.

On perusal of above reflects that petitioner, being widow daughter of the Civil Servant seemingly till her remarriage, is eligible in para-8(2)(a)(iv), however, subject to additional requirement as shown to this Court, which are to be complied with in similar cases as provided by Government of Sindh, Finance Department, in its letter dated 10.05.2024 on the subject "Grant of Family Pension to Widow Daughter" prescribed the following requirements:-



NO.FD(PCDC)3(398)/2024  
GOVERNMENT OF SINDH  
FINANCE DEPARTMENT  
Karachi, dated the 10<sup>th</sup> May, 2024

To,

The District Accounts Officer,  
SUKKUR.



59456

**SUBJECT: GRANT OF FAMILY PENSION TO WIDOW DAUGHTER**

Reference your letter No.DAO/SUK/PEN/2782/2024, dated 03<sup>rd</sup> April, 2024, on the subject noted above.

2. It is advised to furnish following documents/information in the matter, so as to examine the case further:-

- (a) Justification in detail / reasons of delay in late submission of case duly signed with stamp by the Department concerned.
- (b) Verification of Marital status of claimant from NADRA.
- (c) No Marriage Certificate form Assistant Commissioner concerned through spot enquiry duly verified from Deputy Commissioner concerned.
- (d) Attested copy of Heirship certificate of deceased civil servant.
- (e) FRC by marriage of claimant from NADRA to see the age of her children.
- (f) Original PPO of Pensioner Late Abdul Haec.
- (g) Detailed comments from Pension Sanctioning Authority/Administrative Department concerned.
- (h) Recommendation of Accountant General Sindh, Karachi regarding activation of Personal /Pension ID.
- (i) Attested copies of CNICs of Late Begum Khatoon, Mst. Ashraf Khatoon, Late Abdul Haec Soomro and deceased husband of claimant.
- (j) All papers signed by concerned PSA/AD concerned and countersigned by DAO, Sukkur.
- (k) Attested copy of death certificate of late Abdul Haec from NADRA.
- (l) Attested copy of death certificate of late Begum Khatoon from NADRA.
- (m) Attested copy of death certificate of deceased husband of claimant.
- (n) Certificate from DAO concerned/Bank mentioning date of last family pension drawn by family pensioner.
- (o) Dependency certificate of claimant form DC concerned.
- (p) No source of income certificate from DC concerned.
- (q) Verification of residence of claimant, whether she is residing at her deceased parents or otherwise.

(IFTIKHARULAM BABLANI)  
SECTION OFFICER/SECRETARY  
PENSION CASES DISPOSAL COMMITTEE  
for Chairman, PCDC

A copy is forwarded for information to: -

1. P.S to Special Finance Secretary (SR/ADMN), Finance Department, GoS.
2. P.S. to Additional Finance Secretary (Admn./SR), Finance Department, GoS.
3. P.A to Deputy Secretary (SR), Finance Department, GoS.
4. Master file.

SECTION OFFICER/SECRETARY  
PENSION CASES DISPOSAL COMMITTEE  
for Chairman (PCDC)

When the Court queried as to why pensionary benefits subject to comply with the additional requirements imposed by the letter of Government of Sind, Finance Department, could not be paid to the Petitioner, learned AAG draws attention of the Court towards the comments filed by the Respondent No.3, where it is alleged that petitioner was not originally included in the legal heirship certificate of deceased civil

servant rather she is added subsequently. This observation found its basis on a letter issued by the concerned Mukhtiakar where the name of Mst. Shehzadi does not appear to be logical, however, learned Counsel for the Petitioner has attached a copy of FRC available at page-11 to show that Mst. Shehzadi is daughter of the Civil Servant namely Imam Bux. In the circumstances, we are not very impressed with the restrictions imposed by the Respondents No.3 & 5.

The Court has been informed that the petitioner has no dependent and she is practically alone since the death of her husband in the year, 2012, however, was not eligible for such pension during lifetime of her mother, who passed away in 2022. If FRC is available with Mst. Shehzadi to show her part of family of late Ghulam Abbas Abro, same be also furnished on the next date. District Accounts Officer, Sukkur also provided assistance to this Court. His assistance is appreciated.

In the circumstances, this petition stands disposed of with direction to the petitioner to comply with the additional requirements imposed by Government of Sindh, Finance Department, through letter dated 10.05.2024, by filing requisite documents for payment of pension with the Respondent, who to consider the same and pass appropriate order in accordance with law, thereby ensuring the benefits to the petitioner reaches without any loss of time.

JUDGE

JUDGE

Faisal Mumtaz/PS