

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA**  
C. P. No.D-24 of 2022  
(Re. Ghazi Khan v. Province of Sindh & Ors)

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| Date of<br>Hearing | ORDER WITH SIGNATURE OF JUDGE |
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Date of hearing & order 14.02.2025.

Mr. Abdul Rehman A. Bhutto, advocate for the petitioner.  
Mr. Munawar Ali Abbasi, Asst. A.G.

**ORDER**

**ADNAN-UL-KARIM MEMON, J-** 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. However, in the present case, the petitioner who attempted to get his retirement dues from the respondent department failed and passed away without getting his pension, which is shocking. There is no power for the Government to withhold Gratuity and Pension. Even it does not give any power to withhold Leave Encashment at any stage.

2. Learned counsel for the petitioner has pointed out that the pension of the petitioner has not been paid without assigning any cogent reason and the petitioner without receiving a pension has passed away which violates the law laid down by the Honorable Supreme Court in the case of Haji Muhammad Ismail Memon, PLD 2007 SC 35, as such drastic action shall be taken against the respondents. However, he submits that the petitioner has expired, therefore, disposal of the petition with a direction to the respondents to entertain the case of the petitioner's family pension through his legal heirs. He; however, seeks permission to file a fresh petition, if needed. Learned AAG has no objection.

3. It is astonishing to note that the petitioner retired from his service after attaining the superannuation on 03.11.2010 and filed an instant petition on 21.1.2022, but the respondents have not paid heed to compensate their ex-employee who served with the department with his blood and sweat.

4. It is well-settled that a person who enters Government service has also something to look forward to after his retirement, to what is called retirement benefits, a grant of pension being the most valuable of such benefits. It is equally well-settled that the pension-like salary of a civil servant is no longer a bounty but is a right acquired after putting in satisfactory service for the prescribed minimum period. In the case reported as Re: Pensionary Benefits of the Judges of Superior Courts, PLD 2013 SC 829, it was held, inter alia, by the Hon'ble Supreme Court that pension is a right which the Government servants or employees in different positions and different capacities earn in terms of the relevant statutory provisions applicable to their case, mostly depending upon their length of service; and, in any case, it is not a State bounty which could be awarded as a favor to any individual outside the scope of the applicable statute.

5. It is well-settled that the grant of a pension is the most valuable of such benefits; a pension is like a salary and is no longer a bounty, but is a right acquired after putting in satisfactory service for the prescribed minimum period; pension cannot be reduced or refused arbitrarily except to the extent and in the manner provided in the relevant rules; and, pension becomes the property of the retiring employee or civil/public servant as a matter of right upon the termination of his service.

6. In light of the foregoing, we direct the Chief Secretary Sindh, to constitute a committee headed by him; and, the head of the concerned departments, where the petitioner has served and retired from service, to resolve the issue of pension and service benefits of the petitioner, including family pension and other ancillary matters, within one month in terms of the ratio of the judgment passed by Honorable Supreme Court in the case of Haji Muhammad Ismail Memon, PLD 2007 SC 35. They are also directed to take disciplinary action against the officials who withheld the pensionary benefits of the petitioner and allowed him to die of starvation.