

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA  
C. P. No.D-528 of 2023.  
(Re. Mst.Azizan v. Shabana & Ors)

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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Before :

*Mr. Justice Muhammad Saleem Jessar,  
Mr. Justice Adnan-u-Karim Memon*

**Date of hearing & Order: 13.02.2025**

Mr. Nazeer Ahmed Kolachi, advocate a/w petitioner.

Mr. Liaquat Ali Shar, Addl. A. G, Sindh.

Mr. Safdar Kamal, advocate on behalf of NADRA.

Munwar Ali Mithani, Managing Director, STEVTA, and Syed Imdad Ali Shah, Special Secretary, Education Department, are present.

**ORDER**

**ADNAN-UL-KARIM MEMON, J-** The petitioner requests this Court to set aside the orders of respondent 4 and the appellate court, and grant the succession certificate, having obtained no objections from respondent 5 and the private respondents and direct respondent 5 to process the petitioner's pension papers and direct the District Accounts Officer Larkana to release all back benefits and reinstate her monthly pension.

2. This petition addresses the denial of a succession certificate and pension to the petitioner, widow of Ghulam Ali, who died intestate in 1995. Ghulam Ali's surviving heirs are his wife (the petitioner) and respondents 1-3. While the petitioner received his GP Fund, she has been denied his monthly pension. Respondent 4 denied her application for a succession certificate, citing that the deceased or one heir holds a manual NIC. The petitioner's appeal (Succession Appeal No. 59/2022) to the District Judge Larkana, later transferred to the Additional District Judge Larkana, was also dismissed. The appellate court cited its inability to verify order No. SOU VISEC/E/1560/2003 dated 20.12.2003. The petitioner now challenges both denials. She submits that the orders are legally and factually flawed, failing to consider the case's context. Crucially, they ignored the "no objections" to the succession certificate from both the other heirs (private respondents) and the deceased's parent department (respondent 5). The petitioner submits that the appellate court's dismissal was premature, as it failed to properly verify order No. S.O(F-VI)Sec//1560/2003 dated 20.12.2003 from the Sindh government, and erred in not considering this order. Finally, she emphasizes her vulnerable financial situation as an elderly widow, submitting that the orders are contrary to law and fact, and unduly harsh.

3. We have heard learned counsel for the parties and perused the record with their assistance.

4. The fundamental question is whether the petitioner's deceased husband, Ghulam Ali, had sufficient length of service to qualify for a family pension.

5. Deceased Ghulam Ali was appointed as a shop attendant in the respondent department, sometime in 1990 and during service passed away on April 8, 1995. This indicates the service period of the deceased was approximately five years. However, the requirement for a family pension is ten years of service. A review of Fundamental Rule 54, in conjunction with Rule 275 of the Sindh Civil Service Regulations, clearly establishes the government's obligation to grant a family pension to the family of a government servant who dies while in service. The 1977 Pension Rules further support our position. Specifically, regarding family pensions: If a civil servant dies while in service, a gratuity equal to one-fourth of the gross pension will be paid at the current rates. Additionally, a family pension of 50% of the gross pension will be paid for 10 years. If death occurs within 10 years of retirement, a family pension of 50% of the pension (net or gross, as applicable) will be paid for the remainder of the 10 years.

6. While there is mention of a purported decision by the Chief Minister of Sindh to condone the ten-year qualifying period, the learned A.A.G. argued that the letter documenting this decision is forged. He claims deceased Ghulam Ali served only four years, nine months, and ten days. Regardless of this discrepancy, neither the approximate five-year period nor the respondents' claimed service period meets the ten-year requirement for pension eligibility. He prayed for the dismissal of the petition.

7. Learned counsel for the petitioner pointed out that the competent authority has already condoned such period to widows as such the claim of the petitioner is based on discrimination. Therefore, the respondents' competent authority may be directed to review the petitioner-widow's case for a family pension, provided her deceased husband had the necessary length of service to qualify for such service benefits. If this is the position of the case the respondents' competent authority must review the petitioner-widow's family pension claim, provided her deceased husband met the requisite length of service requirements. This review, including a hearing for the petitioner, must conclude with a speaking order within one month of receiving this order.

8. This petition stands disposed of in the above terms.