

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P No.D-2226 of 2024
(Mst. Jalila Khatoon v. Province of Sindh and others)

Date	Order With Signature Of Judge
	<p>Before:- Mr. Justice Adnan-ul-Karim Memon Mr. Justice Zulfiqar Ali Sangi</p>

Date of hearing and order:- 11.02.2026

Mr. Ali Asadullah Bullo, advocate for the petitioner.
Mr. Abdul Jalil Zubedi, AAG along with Nadeem Ahmed, Assistant Account Officer, A.G Sindh.

O R D E R

Adnan-ul-Karim Memon, J.- Petitioner Mst. Jalila Khatoon has filed this petition under Article 199 of the Constitution of the Islamic Republic of Pakistan 1973 seeking the following relief(s):-

i. To direct the respondent Nos. 2 to 4 to perform their perfunctory duties in accordance with the law, not otherwise.

ii. To direct the respondent No.1 to initiate stern legal action against the respondents No. 3 and 4, as they spontaneously provided wrong information that is on air self-explanatory without quoting any rules/ policy since 2021 against the realities/ facts indicated in Pension Payment Order, as well as the eligibility declared by Controller General Accounts (Chief Financial Advisor).

iii. To direct the respondent No. 4 that in the future office of the Accountant General (Sindh) Government of Pakistan must issue any letter with the name and Designation.

iv. To direct the respondent Nos. 2 to 4 to release 100% legal dues, personal allowance adjusted in annual increments, payment during the period of 1994 to 2001, to monitor till its clearance within 1 month.

v. To direct the office of respondent Nos. 2 to 4 to immediately release 100% legal dues restoration of surrendered portion of pension Rs. 3,956.75 for a specific time period 13.43 years i.e. 12-05-2008 14-10-2021 as gratuity/commutation Rs. 637,860/- in lieu thereof indicating in Pension Payment Order as well as eligibility declared by Controller General Accounts (Chief Financial Advisor) as per LAW.

vi To direct the respondent No. 1 to arrange mechanism in the Chief Secretary Complaint Cell/proper guidance and issue consolidated financial benefits Order like Federal Government for those who die while in service to clear the legitimate dues within 6 months without using any delaying tactics as deceased family member faces very difficulties.

vii To grant personal attention of Respondent No. 1 towards this case for an early settlement and implementation of the orders of superior authorities ie. Honourable Wafaqi Mohtasib, Honourable President of Pakistan and Honourable Governor Sindh in its true letter and spirit and of the standing direction of this Hon'able court.

viii. To direct the office of Respondent Nos. 2 to 4 to grant waiver in deduction of overpayment pension w.r.t Accountant General (Sindh) Accounts Officer (Pension) letter No. PN-1/16-C-06/2008-09/1346-A dated 24-01-2023 whereas intimated that followed the instructions of Finance Division waiver rule letter No. U.O. F.18(2). Reg. (6)/86, dated 24-12-1986 as per para 25 (hfi & ii) i.a.w facts of this case.

ix. To direct office of the Respondent Nos. 2 to 4 to provide copy of circulated rules/policies w.r.t restoration of surrendered portion of pension as gratuity/commutation against the findings of Controller General Accounts and Finance Department Sindh circulated rule No. FD(SR-III)10/7-86(P) dated 07-09-2015 and surrendered portion of pension realities/facts indicating in Pension Payment Order as well as Pension Roll Data Sheet of Accountant General (Sindh), Government of Pakistan."

2. The Petitioner, widow of late Muhammad Noor Khan (Retired Deputy Secretary, BS-18), who passed away on 11.05.2008, challenged deductions from her family pension. It is noted that under Finance Department O.M. dated 21.07.2010, family pension is payable at 75% of gross pension, and vide office letter dated 07.02.2023 it has been confirmed that the Petitioner is already receiving pension at the said rate.

3. It is settled that in case of death during service, the family is entitled to 75% of gross pension, along with admissible gratuity and commutation benefits, whereas in case of death after retirement, family pension is regulated in terms of the relevant pension rules, with restoration of the commuted portion after the prescribed period.

4. The officer present in court states that the recovery has already been effected and nothing remains outstanding against the Petitioner; hence, the matter has become infructuous.

5. In view of the above statement, the petition is disposed of as having been rendered infructuous. However, it is directed that no further deduction shall be made from the Petitioner's pensionary benefits in future, in line with the settled principle that pension is a vested right and cannot be withheld or reduced except in accordance with law.

JUDGE

JUDGE

Shahzad Soomro