

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

C.P. No.D-2566 of 2025

(Nadeem Akhtar Siddiqui v Province of Sindh & others)

C.P. No.D-2569 of 2025

(Syed Habib-ur-Rehman v Province of Sindh & others)

C.P. No.D-2570 of 2025

(Shahroz Khan v Province of Sindh & others)

C.P. No.D-2571 of 2025

(Jamal Yousuf v Province of Sindh & others)

Date

Order with signature of Judge

Befor:-

Mr. Justice Adnan-ul-Karim Memon

Mr. Zulfiqar Ali Sangi

Date of hearing and order:-09.02.2026

Mr. Sohail Hanif Moosani advocate for the petitioners.

Mr. Naseer Ahmed advocate for respondents

Mr. Abdul Jalil Zubedi, AAG.

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**ORDER**

**Adnan-ul-Karim Memon, J.-** All petitioners have approached this Court for enforcement of their pensionary rights, which the respondents have withheld without lawful authority or justification.

2. Learned counsel for the Petitioners submits that the Petitioners, after rendering meritorious services, have retired from the service of Respondent No.2 either on superannuation or voluntarily in accordance with the applicable service rules. Upon retirement, they became legally entitled to payment of all pensionary and post-retirement benefits, including pension commutation, leave preparatory to retirement, and final settlement dues, the details of which have been placed on record along with their respective retirement orders. It is argued that despite the clear entitlement under the governing laws and regulations, the Respondents have failed to release the lawful dues of the Petitioners, thereby violating their fundamental rights. Reliance is placed on the judgment of the Hon'ble Supreme Court in *Haji Muhammad Ismail Memon v. Province of Sindh* (PLD 2007 SC 35), wherein strict directions were issued to ensure clearance of pensionary benefits within a maximum period of two weeks. Learned counsel further submits that a pension is a vested and constitutionally protected right, not a gratuity, and that any unjustified delay amounts to infringement of fundamental rights. He prayed to allow these petitions.

3. Conversely, learned counsel for Respondents No.2, 3, and 4/ KDA submits that the entitlement of the Petitioners to post-retirement dues is not denied. It is stated that a large number of similar petitions were previously decided by this Hon'ble Court, pursuant to which substantial amounts running into billions of rupees have already been paid to retired KDA employees under court supervision. It is further submitted that the delay in payment is not deliberate but is due to the acute financial constraints faced by KDA. Learned counsel apprises the Court that a summary seeking an additional grant of Rs.3,000 million has recently been moved to the Finance Department, Government of Sindh, to clear outstanding pensionary liabilities. It is reiterated that KDA remains duty-bound to discharge its obligations and shall do so as soon as its financial position improves or the requested grant is received. He prayed to dismiss all the petitions.

4. Having heard the learned counsel for the parties and perused the record, we have noticed that the Petitioners retired from the service of Respondent No.2 after rendering meritorious services and are legally entitled to receive all pensionary and post-retirement benefits, including pension commutation, leave preparatory to retirement, and final settlement dues. These entitlements are not discretionary but vested rights protected under the Constitution, as consistently held by the Supreme Court of Pakistan. The Supreme Court has emphasized that a pension is a vested right and any undue delay in its disbursement constitutes a violation of fundamental rights, warranting strict directions for immediate clearance. While the Respondents have cited financial constraints and the need for an additional grant from the Finance Department, the law is clear that such constraints cannot justify indefinite delay in payment of pensionary dues.

5. Accordingly, the competent authority of the respondents is directed to immediately release all outstanding pensionary and post-retirement benefits of the Petitioners without any further delay. Compliance with this direction should be reported to this Court within a period of two (2) weeks, in line with the timelines laid down by the Supreme Court in Haji Muhammad Ismail Memon's case. Any failure to comply shall be viewed as contempt of court.

6. The petitions, along with pending application(s), are therefore allowed in the above terms.

JUDGE