

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-556 of 2025
(*Daud Rustamani versus The Accountant General Pakistan Revenues*)

Date	Order with signature of Judge
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Before :-
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Zulfiqar Ali Sangi

Date of hearing and order:- 04.02.2026

Mr. Ali Asadullah Bullo advocate for the petitioner alongwith petitioner
Mr. Ali Safdar Depar, Assistant AG
Mr. Khaleeq Ahmed, DAG
Mr. Miandad Rahoojo, Accountant General Sindh
Mr. Waseem Ahmed, Research Assistant on behalf of respondents No.5 and 6
SI Asghar Cheema, PS Gulistan-e-Jauhar

ORDER

Adnan-ul-Karim Memon, J.- Petitioner Daud Rustamani has filed the present Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking the grant of pensionary benefits and other ancillary reliefs.

2. The case of the petitioner is that he was initially appointed as a Mosque School Teacher (BPS-7) in District Dadu on 10.09.1984. He was later appointed as Stenographer (BPS-12) in the Judicial District Dadu on 17.05.1993 and subsequently as Stenographer (BPS-15) in the Federal Shariat Court of Pakistan on 25.07.2006. During his service, the petitioner earned successive promotions and ultimately retired as Private Secretary to the Honourable Chief Justice, Federal Shariat Court of Pakistan, in Grade-19 on 04.04.2024 upon attaining the age of superannuation. After retirement, the petitioner submitted all requisite documents to his department and the Accountant General Pakistan Revenues (AGPR) for preparation of his pension case. Despite full compliance, his pensionary benefits were not finalized or released. From July 2024 onwards, the petitioner repeatedly provided clarifications and documents sought by the respondents regarding his initial appointment, service verification, GP Fund record, and proportionate pension liability. He also approached the District Education Officer, Dadu, the Registrar Federal Shariat Court, AGPR Islamabad, and the Accountant General Sindh, Karachi, through several applications, but no effective steps were taken to finalize his pension case. Ultimately, AGPR Islamabad raised an objection that the petitioner had remained under the audit control of the Accountant General Sindh from 10.09.1984 to 24.07.2006, requiring payment of proportionate pension contribution by the Government of Sindh. Despite approaching the Accountant General Sindh for compliance, the

matter remained unresolved, causing prolonged delay, financial hardship, and distress to the petitioner. It is urged that the continued inaction of the respondents, despite availability of record and repeated representations, has compelled the petitioner to invoke the constitutional jurisdiction of this Court, as he has no alternate, efficacious remedy. It is submitted that the respondents are legally bound to process and release the petitioner's pensionary benefits without undue delay. The prolonged withholding of pension violates the petitioner's constitutional and legal rights. The delay is not attributable to the petitioner, who fulfilled all requirements timely, but is solely due to the respondents' neglect and inaction. The unjustified delay has caused severe financial hardship and mental agony to the petitioner, who depends on pension for his livelihood.

3. The Accountant General Sindh submits that he assumed charge on 27.01.2026 and tenders an unconditional apology for any lapse on the part of his office. He submitted that the petitioner served under the administrative control of the Education Department, Government of Sindh, from 10.09.1984 to 30.06.1994 and the District Judiciary, Dadu, from 01.07.1994 to 30.06.2006, before joining the Federal Shariat Court, Islamabad. He added that AGPR Islamabad has requested this office to share proportionate pension contribution for the petitioner's service under the Government of Sindh. In response, this office has already conveyed vide letter dated 03.02.2026 that a debit advice amounting to Rs.235,009/- may be raised, which shall be accepted upon receipt, to facilitate settlement of the petitioner's pension case. However his office undertakes to comply with the orders of this Court in letter and spirit.

4. Learned counsel for the petitioner has informed the Court that the matter has now been resolved at the level of the Accountant General's office. The Accountant General, who is present in Court, has submitted that the issue has already been resolved at his end.

5. This is a matter of grave concern that, for several years, the long and unjustified delay in the payment of pensions has been a source of tremendous hardship and humiliation to retiring officials and their families. Despite the strictures and orders passed by the Supreme Court of Pakistan in its various pronouncements and simplified guidelines laid down by the Government, petitions on account of delay persist. In this background of the case, the Supreme Court of Pakistan in the case of Province of Punjab through Conservator of Forests, Faisalabad, etc. v. Javed Iqbal vide judgment dated 26.11.2020 passed in CP No.1554-L to 1573-L of 2020 has held that the government must ensure that the cases of retired employees are fast-tracked so that they are concluded within the statutory time frame i.e. 02 years of his retirement, allowing the retired

employees to enjoy their retired life and the government to save unnecessary expense and time in pursuing matters against retired employees.

6. It is well-settled law that no pension granted or continued to the pensioner is liable to seizure by the department under the Pension Act, 1871, and the rules framed thereunder. In our view, pensionary benefits cannot be stopped on account of any charges; and, it is violative of the law laid down by the Supreme Court in the case of Haji Muhammad Ismail Memon, **PLD 2007 SC 35**.

7. In view of the statement made by learned counsel for the petitioner and the categorical submission of the Accountant General, who is present in Court, that the petitioner's grievance stands fully resolved at the level of the Accountant General's office and no further action remains pending in terms of the order dated 26.01.2026, this Court finds no reason to keep the present petition pending.

8. Since pension is a vested statutory/legal right and any delay in its release, once objections are resolved, is neither lawful nor justified, Respondent No.1 is, therefore, directed to forthwith release the petitioner's pensionary benefits strictly in accordance with law, as already forwarded and verified by the office of Respondent No.2.

9. Accordingly, the constitutional petition, along with all listed and pending applications, stands disposed of in the above terms. This order shall be communicated to the office of the Accountant General Pakistan Revenue (AGPR), AGPR Complex, G-8/4, Islamabad, for immediate compliance, so as to ensure that the petitioner is not subjected to any further delay.

JUDGE

JUDGE