

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

CP No.D-5102 of 2016
(Syed Lutuf Shah v Zarai Taraqiati Bank & others)

DATE

ORDER WITH SIGNATURE OF JUDGE

Before :-
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Zulfiqar Ali Sangi

Date of hearing and order:- 04.02.2026

Mr. Abdul Sameer Advocate for the Petitioner.
Mr. Harchand Rai advocate for Respondent
Mr. Khaleeq Ahmed DAG along with Khan Imran Hussain
Law Officer Zarai Taraqiate Bank

ORDER

Adnan-ul-Karim Memon, J.- Petitioner Syed Lutuf Shah has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking direction to the Zarai Taraqiati Bank Limited (ZTBL) to release all his retirement benefits without further delay.

2. The case of the petitioner is that he was employed with the Agricultural Development Bank of Pakistan, which was subsequently renamed as Zarai Taraqiati Bank Limited (ZTBL). He served the Bank diligently until his retirement on 1st February 2012 (A.N.) as Assistant Vice President, posted at ZTBL Naushero Feroze. He submitted that he was relieved from service upon reaching the age of superannuation, as communicated through a letter dated 1st February 2012 issued by the Manager of ZTBL Naushero Feroze. He submitted that before his retirement, he was advised by Respondent No. 2, through a letter dated 25th January 2012, to submit all retirement benefits documents to the Senior Vice President (Human Resources Operation Department) at ZTBL Head Office, Islamabad, for finalization, and in compliance with this instruction, he submitted all required documents, which were forwarded by the Manager of ZTBL Naushero Feroze through a letter dated 28th May 2012. Following receipt, Respondent No. 2 raised certain objections via letter dated 7th June 2012. The Petitioner promptly complied with these objections, and the revised documents were sent to Respondent No. 2 on 22nd June 2012. He submitted that despite the submission of the required documents, he has been deprived of his retirement benefits since 22nd June 2012. According to him, retirement benefits are required to be finalized six months before retirement and paid on the date of relieving. However, in his case, many years have passed, yet his retirement benefits remain neither finalized nor paid. Consequently, the Petitioner is living in extreme financial distress, with his family facing serious hardships. Moreover, the Respondents have not communicated any objection or reason for the delay, indicating a lack of interest in

addressing the grievance of the Petitioner. Since all required documents were duly furnished and countersigned by the concerned officers, the Respondents are obligated to finalize the retirement benefits. The undue delay has caused the Petitioner significant mental distress and financial difficulties, as he is unable to meet even basic living expenses. He lastly prayed that the respondent Bank may be directed to release all his retirement benefits without further delay.

3. Learned counsel for the respondent Bank has submitted that this Petition is not maintainable due to legal defects, as the petitioner has not availed the proper legal forum or remedy available under the law. The Petitioner has suppressed material facts and approached this Hon'ble Court with unclean hands, as no cause of action has accrued against the Respondents. The Petition is filed in violation of the verdict of the Hon'ble Supreme Court in CRP No. 193/2013, which clarified that disputes related to terms and conditions of service fall outside the jurisdiction of the High Court under Article 212 of the Constitution. Learned counsel asserts that penalties and liabilities totaling Rs. 2,867,360/- remain outstanding against the Petitioner due to serious irregularities in lending and defective security in various branches learned counsel provided a detailed comparison of the Petitioner's liabilities and the amounts payable is as follows: Total Liabilities: Rs. 2,867,360/-; Payable Retirement Benefits: Rs. 769,437/-; Benevolent Fund: Rs. 194,400/-; C.P Fund: Rs. 126,253/-, bringing the total payable to Rs. 1,090,090/-. In view of the outstanding liabilities and the legal position, the learned counsel submits that the Petition may be dismissed.

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

5. From the foregoing facts and submissions of both parties, the core issue is the undue delay in finalization and payment of the Petitioner's retirement benefits by the Respondent Bank despite the timely submission of all required documents.

6. The Petitioner's claim attracts constitutional jurisdiction under Article 199 of the Constitution as it involves the enforcement of a vested legal and statutory right and not merely a contractual dispute.

7. 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, Faislabad, 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.

8. 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**.

9. It is settled that pensionary and retirement benefits are a vested and legal right, not a bounty or charity, and an employee becomes entitled to such benefits upon retirement or acceptance of resignation once statutory conditions are fulfilled. The Supreme Court of Pakistan has repeatedly held that pensionary benefits cannot be denied or extinguished on technical grounds or delays in processing, and that delay alone does not disentitle a retiree from receiving the benefits due to him under law. In this regard, the Supreme Court observed that “*the pensionary benefits after retirement devolved upon a civil servant soon after his/her resignation ... Delay of any kind to claim pensionary benefits should not be counted as a disentitlement*” and that neither laches nor limitation applies to pensionary claims. Further, superior courts have emphasized that administrative delays and unwarranted objections raised post-retirement cannot be used to withhold retirement entitlements indefinitely. The obligation to finalize and pay retirement benefits falls on the employer once the required documentation is properly submitted and countersigned.

10. Respondents’ counsel's arguments that terms and conditions of service are outside this Court's jurisdiction do not automatically bar constitutional redress where there is a violation of a substantive legal right, such as payment of retirement benefits already due. In cases involving pensionary rights, courts have entertained writ petitions under Article 199 notwithstanding procedural objections, particularly where no alternative efficacious remedy exists, and continuous deprivation of rights persists. While the Respondents assert liabilities against the Petitioner, such set-offs must be determined through appropriate legal or statutory mechanisms, i.e., accounting procedures to be adjudicated by the court of plenary jurisdiction, subject to concrete evidence, not by withholding the entirety of retirement benefits indefinitely. Moreover, recovery of liabilities cannot extinguish the Petitioner’s fundamental right to receive what is legally due to him simply because administrative action has been delayed or withheld. Therefore, in the circumstances of this case, the Petitioner is entitled to the subject relief, in such circumstance this court deems it proper to direct the competent authority of the respondents to finalize and release all retirement benefits without further delay. As it appears that there is undue delay and absence of any communicated valid reason for non-payment amounts to a violation of the Petitioner’s legal and constitutional rights. The aforesaid exercise shall be completed forthwith.

11. This petition stands disposed of in the above terms. In the event of non-compliance, action shall be taken under Article 204 of the Constitution against the delinquent officials. Let a copy of this order be communicated to all concerned for compliance.

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