

ORDER SHEET
THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD

C.P. No.D-724 of 2024
[Zahid Hussain Junejo Vs. Province of Sindh & others]

Present:
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Riazat Ali Sahar,

18.12.2025

Dr. Shah Nawaz Memon, Advocate for the petitioner.
Mr. Rafique Ahmed Dahri, Assistant Advocate General, Sindh.
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ORDER

ADNAN-UL-KARIM MEMON, J- Petitioner Zahid Hussain has filed this constitutional petition under article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 seeking following relief:

- (a) *To direct respondents to immediately fix and release the retirement, pension and other benefits, to petitioner being his legal and fundamental right;*
- (b) *To further direct respondents to place the calculation, ins and outs of retirement and service benefits of petitioner alongwith all arrears before this Honourable Court and same may be given to petitioner.*
- (c) *Any other relief, which this Honourable Court deem fit and proper may also be awarded to the petitioner.”*

2. The petitioner, claims to be a qualified civil engineer from Mehran University of Engineering and Technology, Sindh, and passed his professional examination on the first attempt. In 1985, he was appointed as Junior Engineer (BS-17) in WAPDA and served diligently. In 1987, following the takeover of the East Khairpur Tile Drainage Project by the Sindh government, he was permanently transferred to the Irrigation Department, where he continued to serve and received regular salary and promotions. He retired as Superintending Engineer on 22nd March 2021, but the respondents have failed to release his pension and retirement benefits despite repeated requests, causing him and his family financial hardship and mental distress. Previous judgments, including Criminal Original Petition No. 121 of 2013 and rulings of the Supreme Court and this Court, support the entitlement of employees in similar cases to receive retirement benefits. With no alternative remedy

available, the petitioner has approached this Court under Article 199 of the Constitution to seek enforcement of his service rights.

3. Learned counsel for the petitioner submits that the petitioner is a qualified graduate in BE (Civil) from Mehran University of Engineering and Technology, Sindh, and has successfully passed his professional examination. He was subsequently appointed as Junior Engineer (BS-17) in the Water and Power Development Authority (WAPDA). The petitioner performed his duties diligently and was later transferred to the Irrigation Department, Government of Sindh, on a permanent basis on 25.07.1987. Since then, he served in the Irrigation Department. Upon attaining the age of superannuation on 22.03.2021, the petitioner retired; however, his pensionary benefits have not been released. Consequently, he approached this Court seeking a direction to the respondents to calculate, fix, and release his pensionary dues in accordance with law. Learned counsel referred to the judgment of this Court dated 04.03.2021, an excerpt of which reads as follows:

“22. In the given circumstances, instead of delving into the merits of the case of petitioner, Syed Noor Hussain Shah, it is noted that he retired during the course of litigation and has not rejoined WAPDA. Furthermore, the notification of his repatriation has not been effected. It is also observed that the judgment of the Honorable Supreme Court does not apply to employees retired at the time of judgment, as it does not affect the seniority, promotion, or other benefits of serving employees. In the circumstances of the present case, and with the consent of the learned AAG, Sindh Government is directed to pay all perks and privileges to which the petitioner was entitled upon issuance of the notification of repatriation, including his entire pensionary benefits, within [2] months, and report compliance through MIT-II of this Court. Consequently, C.P. No. D-1661 of 2019 stands disposed of in the above terms.”

4. When confronted with the legal position of the case, the learned AAG stated that comments had not yet been filed. However, considering that the issue relates to the release of pensionary benefits and that the judgment of this Court was upheld by the Supreme Court, he did not dispute the petitioner’s position stating that Government of Sindh will issue notification on attaining the age of superannuation and prayed for the petition to be disposed of accordingly.

5. Accordingly without touching the merits of the case and with the consent of the parties, this petition stands disposed of with direction to the competent authority of the respondents to release the pensionary benefits of the petitioner by issuing the necessary retirement notification if not earlier issued, in accordance with the directions and ratio of the judgment of this Court as affirmed by the Supreme Court. This exercise shall be completed within two months.

JUDGE

JUDGE