

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI
C. P. No. D – 4489 of 2025
(*Muhammad Moosa v Province of Sindh & others*)

Date	Order with Signature of Judge
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Before:
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Hasan (Akber)

Date Of Hearing 21.05.2026

Mr. Mushtaq Ahmed Chandio, Advocate for Petitioner
Mr. Naseer Ahmed, Advocate for KDA
Mr. Abdul Jaleel Zubedi, Additional Advocate General

ORDER

Adnan-ul-Karim Memon, J. – The petitioner has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking directions against the respondents for implementation of the orders dated 10.11.2021 and 13.01.2022 passed in C.P. No. D-1051 of 2019, as well as in the light of para 8 of the judgment of the Honourable Supreme Court of Pakistan reported in *Haji Muhammad Ismail Memon v. Government of Sindh* (2007 MLD 35). The petitioner prays that the respondents be directed to process and release his pensionary dues, including leave encashment (LPR), pension commutation, and Provident Fund amounting to Rs. 45,36,557/-, which is stated to be lying with the respondent Karachi Development Authority (KDA), and to clear all outstanding retirement benefits within a period of two weeks. Any other relief deemed appropriate in the circumstances has also been prayed for.

2. At the time of hearing, learned counsel for the petitioner placed reliance upon the order dated 13.05.2026 passed by this Court in C.P. No. D-5785 of 2025 and other connected petitions, and sought the disposal of the instant petition on the same terms. Learned counsel for the KDA is of the same view.

3. We have heard learned counsel for the parties and perused the record available before us.

4. It is an admitted position that the petitioners retired from the service of respondent KDA upon attaining the age of superannuation and, upon such retirement, became entitled to receive all pensionary and post-retirement benefits in accordance with the applicable law, rules, and regulations. It is further not disputed that the petitioners' claims with respect to leave encashment, pension commutation, provident

fund, gratuity, and other retirement dues have already been determined and duly acknowledged by the department. The only justification advanced by the respondents for non-payment of the admitted dues is the alleged financial constraints and paucity of funds available with KDA.

5. It is by now well-settled that pensionary and retirement benefits do not constitute a bounty or concession dependent upon the financial convenience of the employer, but are a vested and enforceable legal right accruing to an employee upon completion of service. The Supreme Court of Pakistan, in a catena of judgments including *Haji Muhammad Ismail Memon v. Government of Sindh*, has consistently held that pensionary benefits are in the nature of a continuing right linked with the dignity and livelihood of retired employees, and cannot lawfully be withheld on administrative or financial grounds.

6. The superior Courts have repeatedly emphasized that delay in payment of such benefits amounts to deprivation of lawful entitlement, causing serious hardship to retired employees who depend upon these amounts for their sustenance, medical care, and day-to-day needs. It has further been held that financial constraints of a department cannot be a valid excuse to defeat or postpone the accrued rights of pensioners, particularly where liability is admitted.

7. In the present case, since the respondents have themselves acknowledged the liability and quantified the outstanding dues, withholding or delaying payment on the ground of financial difficulty is neither justified nor sustainable in law. At the same time, it is not disputed that similar matters relating to pensionary benefits of KDA employees were earlier adjudicated by this Court in C.P. No. D-1051 of 2019 and connected petitions, wherein a mechanism for phased payment under the supervision of the learned Official Assignee, Karachi, was devised and has since been in operation. It is also a matter of record that substantial amounts have already been disbursed to retired employees pursuant to the said arrangement.

8. The respondents have further stated that efforts are underway to improve the financial position of KDA through governmental assistance, auction of properties, and recovery of outstanding receivables. While such circumstances may explain the delay in disbursement, they cannot, however, extinguish or indefinitely defer the vested rights of the petitioners to receive their retirement dues.

9. In these circumstances, the respondents are under a legal obligation to ensure payment of the outstanding retirement and pensionary benefits of the petitioners in accordance with their entitlement and seniority, through the mechanism already devised

and being followed in C.P. No. D-1051 of 2019 and connected matters, and preferably within a period of two months.

10. Accordingly, this petition is disposed of with the above directions. It is, however, observed that in the event the payment is not made within the stipulated period without lawful justification, the petitioner shall be at liberty to avail such remedy as may be available to him under the law.

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Ashraf