

ORDER SHEET
THE HIGH COURT OF SINDH KARACHI
C.P. No. D – 2776 of 2026
(Jalila Khatoon v Province of Sindh & others)

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
	Before:- Mr. Justice Adnan-ul-Kari Memon Mr. Justice Adnan Iqbal Chaudhary
<u>Date of hearing and order:-13-07-2026</u>	

Petitioner's Attorney, namely M. Mubashir Noor Khan, is present in person.

Syed Ali Ahmed Zaidi, AAG Sindh.

ORDER

Adnan-ul-Karim Memon, J The Petitioner, Jalila Khatoon, filed the instant petition under Article 199 of the Constitution seeking enforcement of her fundamental rights under Articles 4, 9, 14, and 25 of the Constitution, along with a direction for decision of her complaint regarding alleged negligence and misconduct of the concerned officials.

2. The representative for the Petitioner submits that the Petitioner is a senior citizen widow who approached the Respondents through a formal complaint dated 24.04.2026 before the Public Complaint Cell (919), Chief Minister Secretariat Sindh, seeking redressal of her grievance. However, despite a lapse of considerable time, the complaint has neither been processed nor decided, and no opportunity of hearing or speaking order has been provided. It is contended that the continued inaction and silence on the part of the Respondents amounts to constructive refusal to perform their public duty and constitutes maladministration, arbitrary exercise of authority, and violation of the Petitioner's fundamental rights guaranteed under Articles 4, 9, 14, and 25 of the Constitution. The representative further submits that public authorities are legally bound to act fairly, transparently, and within a reasonable time, and failure to decide a pending complaint deprives a citizen of access to justice. It is argued that this Court, in exercise of jurisdiction under Article 199 of the Constitution, may issue appropriate directions for performance of public duty. He, therefore, prays that the Respondents be directed to decide the Petitioner's complaint dated 24.04.2026 within a specified timeframe and that appropriate action be taken against the officials responsible for negligence and failure to discharge their lawful duties.

3. Learned AAG, while filing written statement on behalf of the Respondents, submitted that the Petitioner's grievance was duly examined by the competent authorities, including the Finance Department, SGA&CD, and Accountant General Sindh. It was stated that the Provincial Pension Cases Disposal Committee (PPCDC), in its meeting dated 17.11.2023, considered the claim and, while endorsing the views of the Accountant General Sindh and Finance Department, rejected the request for restoration of the surrendered portion of family pension, as the Petitioner had already been allowed 75% of gross pension w.e.f. 01.07.2010.

4. Representative for the Petitioner, while rebutting the written statement filed by Respondent Nos.1 and 2, submits that the Respondents have misconceived the nature of the petition by treating it merely as a pension dispute, whereas the actual grievance relates to failure of the public authorities to deal with the Petitioner's complaint in a fair, transparent, and lawful manner. It is contended that once the Petitioner's complaint was received and entertained through the Public Complaint Cell of the Chief Minister's Secretariat, the Respondents became obligated to ensure its proper examination and disposal through a reasoned order. It is submitted that mere forwarding of the complaint to other departments does not amount to discharge of constitutional and administrative duties. The representative submits that the Respondents have failed to demonstrate that the Petitioner was afforded an opportunity of hearing, that her claim was independently examined, or that any speaking order supported by relevant pension rules was issued. It is argued that reliance upon opinions of the Finance Department, SGA&CD, and Accountant General Sindh cannot substitute lawful decision-making, particularly when no specific rule or notification has been identified to support rejection of the Petitioner's claim for restoration of surrendered family pension. It is further submitted that public authorities are bound to act fairly, reasonably, and in accordance with law, and administrative inaction or mechanical rejection of a citizen's grievance amounts to violation of the constitutional guarantees under Articles 4, 9, 14, and 25 of the Constitution. Representative, therefore, prays that the Respondents be directed to produce the relevant record and reconsider the Petitioner's claim in accordance with the applicable pension rules, after providing a fair and lawful determination.

5. After hearing the submissions of the learned representatives for the parties and examining the available record, it appears that the grievance of the Petitioner primarily relates to the manner in which her complaint regarding restoration of the surrendered portion of family pension was dealt with by the Respondents authorities.

6. The record reflects that the Petitioner's claim was not left unattended; rather, the same was examined by the concerned departments, including the

Finance Department, SGA&CD, and Accountant General Sindh, and was placed before the Provincial Pension Cases Disposal Committee (PPCDC), which, in its meeting dated 17.11.2023, considered the matter and endorsed the view that the Petitioner was not entitled to further restoration, as she had already been allowed 75% of gross family pension w.e.f. 01.07.2010, this factum is also disclosed in earlier round of litigation of the parties.

7. However, the mere existence of an administrative decision does not by itself exclude judicial scrutiny. It is settled that every administrative authority is required to act fairly, transparently, and in accordance with the governing rules, and its decision must disclose the legal basis and reasons upon which such decision has been founded. A citizen's grievance cannot be rejected merely by reproducing departmental opinions unless such opinion is supported by the relevant statutory rules, notifications, and applicable pension provisions. However, at the same time, this Court exercising constitutional jurisdiction under Article 199 is not required to substitute its own opinion for that of the competent pension authorities where the matter involves determination of pension entitlement based upon applicable rules. The appropriate course is to ensure that the decision-making process is lawful, fair, and based upon the relevant legal framework with strong reasons.

8. In the present case, since the Respondents have already examined the Petitioner's complaint and communicated their decision, the grievance regarding complete inaction no longer survives. However, to ensure compliance with the principles of fair administration and due process, the Respondents are required to provide the Petitioner with a reasoned decision supported by the relevant pension rules and record relied upon while rejecting her claim, which factum is missing in the case which decision must be made in accordance with law.

9. Accordingly, the petition is disposed of with direction to the competent authority to furnish a speaking order to the Petitioner, along with the relevant rules/provisions relied upon, if not already supplied, and to reconsider the matter strictly in accordance with the applicable pension rules and law. However, the Petitioner shall remain at liberty to avail any further remedy available under the law, if so advised, if any order goes against her, with no order as to costs.

JUDGE

JUDGE