

ORDER SHEET
THE HIGH COURT OF SINDH KARACHI

Constitutional Petition No. D – 2990 of 2026

[Waliyat Masih versus Province of Sindh & others]

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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Before:

Mr. Justice Justice Adnan-ul-Karim Memon

Mr. Justice Adnan Iqbal Chaudhry

Date of hearing : 14-07-2026

Date of Order : 14-07-2026.

Mr. Muhammad Riaz, Advocate for the Petitioner.

Syed Ali Ahmed Zaidi, Additional Advocate General, Sindh.

Barrister Asad for KMC

ORDER

Adnan-ul-Karim Memon, J. The petitioner, Waliyat Masih, has filed the instant Constitutional Petition under Article 199 of the Constitution seeking directions for release of his monthly pensionary benefits and arrears as the legal heir of his deceased wife, who served as a Sanitary Worker (BPS-02) in TMC Orangi Town, Karachi, and expired on 15.12.2020.

2. Learned counsel for the petitioner submits that despite lapse of considerable time, the pensionary benefits of the deceased have not been released in his favour.

3. Learned counsel for KMC places on record a report dated 13.07.2026, stating that the pension claim amounting to Rs.2,459,263/- has been received by the Welfare Department, KMC, and the matter is being processed in view of the directions passed by this Court regarding payment of pensionary dues of retired TMC employees. Learned counsel for KMC submits that the pensionary benefits of the deceased shall be released to the petitioner within six weeks.

4. On such assurance, learned counsel for the petitioner expresses satisfaction and seeks disposal of the petition.

5. We have heard the learned counsel for the parties and, examining the record, it is apparent that the grievance of the petitioner pertains to non-release of pensionary benefits payable to him as the legal heir of his deceased wife, who served as a Sanitary Worker (BPS-02) in TMC Orangi Town, Karachi. The

entitlement of the petitioner has not been disputed by the concerned authority; rather, the KMC has acknowledged that the pension claim amounting to Rs.2,459,263/- has already been received and is under process.

6. It is a settled principle that pensionary benefits are not a matter of grace or concession but constitute a vested right of a retired employee and her legal heirs, protected under the law. The concerned authorities are obligated to ensure timely disbursement of such benefits without unnecessary delay, as withholding of legitimate pensionary dues causes undue hardship to the beneficiaries.

7. In the present case, the learned counsel for KMC has undertaken before this Court that the pensionary benefits of the deceased shall be released to the petitioner within six weeks. Since the competent authority has acknowledged the claim and assured compliance, no further adjudication is required at this stage. However, such undertaking is required to be honoured in its true letter and spirit.

8. Accordingly, the instant petition is disposed of in terms of the statement made by the Director (Welfare), Finance & Accounts, KMC, with direction to the concerned authorities to ensure release of the pensionary benefits of the deceased to the petitioner within six weeks period, strictly in accordance with law. In case of failure to comply, the petitioner shall be at liberty to seek appropriate remedy available under the law.

JUDGE

JUDGE

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