ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D-3446 of 2026
(Mst. Sana Aziz v Province of Sindh & others)

Date	Order with signature of Judge(s)

Before:
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Adnan Iqbal Chaudhary

Date of hearing and Order: 14.07.2026

Mr. Naveed Ahmed Khan, Advocate, for the Petitioners.
Mr. Naseer Ahmed advocate for Respondents No. 2&3.
Syed Ali Ahmed Zaidi, Addl. A.G
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O R D E R

Adnan-ul-Karim Memon, J. – Petitioner Mst. Sana Aziz has filed this petition under Article 199 of the Constitution seeking direction to the Respondents to release the pensionary and other dues to the petitioner.

2. Learned counsel for the petitioner submits that the petitioner is the daughter and legal heir of late Aziz Ahmed, who served the respondents from 1989 and retired as Director (IT), BPS-18, on 14.12.2012. Although all retirement formalities, including issuance of the clearance certificate and processing of his pensionary case, were completed, his retiral benefits were never released during his lifetime. He subsequently expired on 19.08.2021. Learned counsel further submits that after the employee's death, the respondents converted the family pension in favour of his widow and acknowledged the outstanding pension arrears. Upon the widow's demise on 22.10.2023, the family pension was again converted in favour of the present petitioner, whereby the respondents themselves determined the outstanding amount of pensionary and retiral benefits at Rs.1,082,222/-. He added that despite such acknowledgment and completion of all codal formalities, the respondents have failed to release the admitted amount without assigning any lawful justification, compelling the petitioner to repeatedly approach the authorities but to no avail. Learned counsel contends that the withholding of admitted pensionary and retiral dues is arbitrary, unlawful, and contrary to the settled law laid down by the Honorable Supreme Court in *Prof. Ghazi Khan Jakhrani v. Province of Sindh* (PLD 2007 SC 35) and *Ghulam Sarwar Chang* (2025 PLC (C.S.) 12), wherein it has been held that pension and retiral benefits are vested rights and must be released without unnecessary delay. He therefore prays that the respondents be directed to release the outstanding retiral benefits and all other lawful dues to the petitioner forthwith, along with any other relief deemed just and proper.

3. Learned counsel for respondent Nos.2 and 3/KDA submits that the petitioner's claim is not disputed to the extent that she is the legal heir of the

deceased retired employee and that the pension has already been converted in her favour. He submits that KDA has already released part of the retirement dues amounting to Rs.350,000/-, while an outstanding amount of Rs.1,018,099/- remains payable. However, the delay in payment is neither deliberate nor mala fide but is solely attributable to the acute financial constraints being faced by KDA. Learned counsel further submits that payment of post-retirement dues to KDA employees is being made through the mechanism devised by this Court in C.P. No.D-1051 of 2019 and connected matters, wherein a designated bank account was established under the supervision of the Official Assignee for disbursement of retiral benefits. It is submitted that KDA has already paid billions of rupees to a large number of retired employees under the said mechanism and has recently sought an additional grant of Rs.5 billion from the Finance Department, Government of Sindh, to clear the remaining liabilities. Learned counsel lastly submits that several similar constitutional petitions have already been disposed of by this Court with directions that payment of retirement benefits be made strictly in accordance with the petitioners' entitlement and seniority through the existing mechanism. He therefore prays that the instant petition may also be disposed of in the same terms, with a direction to release the petitioner's outstanding dues in accordance with her entitlement, seniority, and availability of funds under the mechanism already operating pursuant to the earlier orders of this Court.

4. We have heard learned counsel for the parties and perused the available record.

5. It is an admitted position that late Aziz Ahmed, father of the petitioner, retired from service as Director (IT), BPS-18, KDA on 14.12.2012 and that his pensionary benefits remained unpaid during his lifetime. It is further not disputed that after his demise, family pension was sanctioned in favour of his widow and subsequently, after her death, converted in favour of the present petitioner, being the legal heir of the deceased employee. The respondents have also acknowledged the outstanding liability towards the petitioner and have admitted that an amount of Rs.1,018,099/- remains payable.

6. Pension and retiral benefits are not a matter of bounty or discretion of the employer; rather, the same constitute a vested legal right of a retired employee and his lawful successors, protected under the constitutional guarantees of fair treatment and dignity. The Honourable Supreme Court of Pakistan in *Prof. Ghazi Khan Jakhrani v. Province of Sindh* (PLD 2007 SC 35) and *Ghulam Sarwar Chang* (2025 PLC (C.S.) 12) has consistently held that pensionary benefits cannot be withheld indefinitely and that the employer is obligated to ensure their timely disbursement after completion of codal formalities.

7. In the instant matter, the respondents have failed to demonstrate any lawful impediment, dispute regarding entitlement, or deficiency on the part of the petitioner. The only justification advanced by KDA is its financial constraints. However, financial difficulties of the department, though a matter of administrative concern, cannot defeat or indefinitely postpone the legitimate claim of a retired employee or his legal heirs. A public authority is under a constitutional obligation to arrange its affairs in a manner that ensures payment of lawful dues of its employees within a reasonable time.

8. At the same time, it is noted that KDA has placed on record the mechanism established by this Court in C.P. No.D-1051 of 2019 and connected matters for payment of outstanding retiral benefits through a designated account under the supervision of the Official Assignee. It is also brought on record that similar matters have been directed to be dealt with according to entitlement and seniority under the said mechanism.

9. In view of the above, this petition is disposed of with directions to respondent Nos.2 and 3/KDA to process and release the outstanding pensionary and retiral dues of the petitioner amounting to Rs.1,018,099/- as pointed out strictly in accordance with her entitlement, through the mechanism already operating pursuant to the orders passed in C.P. No.D-1051 of 2019 and connected matters. The respondents shall ensure that the petitioner is not deprived of her lawful dues merely on account of administrative delay or financial constraints.

10. The respondents are further directed to place the petitioner’s claim before the competent forum/committee established under the aforesaid mechanism and ensure compliance in its true letter and spirit. The compliance report shall be submitted before the Registrar of this Court within the stipulated period.

11. This petition stands disposed of in the above terms.

JUDGE

JUDGE

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