

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-921 of 2026  
(*Mehtab Jehan versus Government of Sindh & others*)

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| Date | Order with signature of Judge |
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Before:  
Mr. Justice Adnan-ul-Karim Memon  
Mr. Justice Muhammad Jaffer Raza

**Date of hearing and order: 28.9.2026**

Mr. Abdul Wahab Chohan advocate for the petitioner.  
Mr. Ali Safdar Depar, Assistant AG  
Mr. Allah Ditto Khoso, Litigation Officer, SE&LD  
Mr. Wajid Pathan, Deputy Director, DSE ES&HS  
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**ORDER**

**Adnan-ul-Karim Memon, J.** Petitioner Mehtab Jehan has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking following relief: -

- a) *Direct the respondents to immediately issue the retirement order of the petitioner.*
- b) *Order the respondent to process and release all pensionary and retiral benefits, including pension, GP Fund/Provident Fund and encashment of 331 days LPR, without further delay.*
- c) *Declare the inaction of the respondents as illegal, unlawful and unconstitutional.*

2. The case of the petitioner is that she is a retired civil servant of the School Education & Literacy Department, Government of Sindh, who served for more than 33 years and request for release of her service benefits as per her entitlement after issuing her retirement notification.

3. Petitioner was initially appointed as Junior School Teacher (BPS-09) vide order dated 18.11.1992 and was subsequently granted BPS-14 with effect from 19.11.1992, followed by further promotions and benefits. She was promoted as High School Teacher (BPS-15 with protection of Pay Service (PPS) in BPS-16) and, pursuant to departmental scrutiny, was granted seniority protection under Rule 13(i) of the Civil Servants (Probation, Confirmation & Seniority) Rules, 1975 and placed as Higher Secondary Teacher (BPS-16) with effect from 30.05.2009. Thereafter, she was granted time-scale/financial incentive from BPS-17 to BPS-18 with effect from 30.05.2023. The petitioner states that her service record, seniority, promotions and pay scale were duly recognized and finalized by the department. She attained the age of 60 years and was due to retire on 13.11.2025, whereupon she submitted an application for issuance of her retirement order and processing of her pension papers, GP Fund/Provident Fund, and encashment of 331 days L.P.R. However, despite completion of all codal

formalities, the respondents have neither issued her retirement order nor processed/released her pensionary and retirement benefits, without assigning any lawful justification.

4. The learned counsel for the petitioner contends that pension, gratuity, GP Fund and leave encashment are vested legal rights and that the respondents' continued inaction is arbitrary, unlawful and violative of her constitutional rights. Having repeatedly approached the concerned authorities without any relief, the petitioner has invoked the constitutional jurisdiction of this Court seeking directions for issuance of her retirement order and release of all pensionary and retirement benefits.

5. The learned A.A.G. has placed on record the retirement and pension orders of the petitioner, whereby she has been allowed to retire from Government service in BS-16 with effect from 13.11.2025 on attaining the age of superannuation, along with sanction of 331 days' leave encashment vide office order dated 31.8.2026. The pension, commutation and final payment of G.P. Fund case has also been forwarded to the Accountant General Sindh for necessary action under the relevant rules.

6. The petitioner objects to the Retirement Notification dated 31.08.2026 issued by Respondent No.2, insofar as she has been shown as BPS-16, on the premise that she was duly promoted from BPS-17 to BPS-18 (HST) vide promotion order dated 15.05.2024 with effect from 30.05.2023, which was duly implemented and never cancelled or withdrawn. Her last Monthly Salary Statement for November 2025, issued by the Accountant General Sindh, also reflects her status as BPS-18. The petitioner superannuated on 13.11.2025, and there was no departmental inquiry, disciplinary proceedings, show-cause notice, or other adverse order pending against her; rather, a No Dues/No Demand Certificate had also been issued. It is therefore contended by her counsel that Respondent No.2 could not, without any lawful order or justification, record her as BPS-16 in the retirement notification and the accompanying letter addressed to the Accountant General, particularly when such incorrect recording may adversely affect her pensionary and retirement benefits. The petitioner submits that she is not claiming any fresh promotion, but merely seeks correction of the retirement notification and pension papers in accordance with her already implemented BPS-18 promotion and official service record. She accordingly prays that the respondents be directed to issue a corrected Retirement Notification and pension papers showing her as BPS-18 (HST) and to process her pension, commutation, G.P. Fund and other retirement benefits accordingly. The retirement notification dated 31.8.2026 is reproduced as under: -

“ORDER

*Ms. Mehtab Jehan D/o Syed Shahid Ali, High School Teacher (HST, BS-16)-bearing P.ID # 10057295 & CNIC # 42201-8630170-4 working at Government Boys Secondary School, Ebrahim Ali Bhai, Shah Faisal Town, (SEMIS Code. 408090117) District Korangi Karachi, is hereby allowed to retire from Government Service on attaining the age of superannuation i.e 60 years with effect from 13-11-2025 (A.N). Her date of birth is 14-11-1965.*

*Three hundred and thirty one (331 days) lump-sum leave salary is hereby sanctioned in favor of above employee in lieu of L.P.R. under rule 1986."*

7. Learned A.A.G. submits that the statement filed by Respondent No.2 merely reproduces the Government of Sindh, Finance Department Office Memorandum dated 07.06.2010 regarding the policy for grant of time scale to civil servants in BPS-01 to BPS-16 and sets out the prescribed periods of service for teachers. He submits that the said statement does not dispute the petitioner's entitlement under the applicable policy, nor does it clarify any provision authorizing denial or withdrawal of the time scale already admissible to the petitioner. He further submits that the petitioner's case is required to be considered strictly in accordance with the aforesaid policy and the applicable service rules, particularly concerning her length of service, designation and the grade applicable to her post. It is contended that the mere issuance of a subsequent communication or clarification cannot override the governing policy or deprive the petitioner of any vested or accrued pensionary/service benefit without lawful authority. Learned A.A.G. therefore submits that the petitioner's entitlement may be determined by the competent authority after examining her service record in the light of the Office Memorandum dated 07.06.2010 and the applicable rules, and that any adverse action affecting her existing service or pensionary benefits must be supported by lawful authority and due process.

8. Upon consideration of the case of the parties and the record placed before the Court, it appears that the petitioner rendered more than 33 years of service in the School Education & Literacy Department and her service record, seniority and progression were duly recognized by the department from time to time. In particular, her seniority was protected under Rule 13(i) of the Civil Servants (Probation, Confirmation & Seniority) Rules, 1975, and she was subsequently granted time-scale/financial incentive from BPS-17 to BPS-18 with effect from 30.05.2023. The said benefit was admittedly implemented during her service and there is nothing on record to show that the same was ever lawfully withdrawn, cancelled or set aside by the competent authority. The petitioner thereafter attained the age of superannuation on 13.11.2025 and, consequently, her entitlement to retirement and pensionary benefits was required to be determined on the basis of her lawful and duly recorded service status existing at the time of her retirement. For convenience sake, an excerpt of Rule 13(i) is reproduced as under; -

*"13.- [(1)] A civil servant, who is not promoted on his turn on the ground that-*

(i) *his seniority is under dispute or is not determined.”*

9. Although the respondents have now issued the Retirement Notification dated 31.08.2026 whereby the petitioner has been allowed to retire with effect from 13.11.2025, she has been shown therein as BPS-16. Such recording, prima facie, is inconsistent with the petitioner’s previously implemented service record reflecting her entitlement to BPS-18 with effect from 30.05.2023. More importantly, no order has been placed on record whereby the grant of BPS-18 was withdrawn, cancelled or declared to have been wrongly extended to the petitioner during her service.

10. In the absence of any such lawful order, an administrative communication issued after the petitioner had already attained the age of superannuation could not, by itself, retrospectively alter her duly settled service status or adversely affect the basis upon which her pensionary benefits are to be calculated. Pension and other retiral benefits flow from the service legally rendered and the status held by a civil servant at the time of retirement, subject to the applicable rules; therefore, any reduction or alteration of an accrued service benefit must have the sanction of law and cannot be founded merely upon an unexplained change in the retirement record.

11. The respondents have not identified any statutory provision, rule, order or competent decision authorizing the petitioner to be treated as BPS-16 at the time of retirement despite the earlier implementation of BPS-18 with effect from 30.05.2023. The mere fact that the petitioner has ultimately been allowed to retire from service does not resolve the consequential issue of the correct grade in which she stood at the time of superannuation.

12. Since the pension, commutation, G.P. Fund and other retiral benefits are required to be processed on the basis of the petitioner’s lawful service record, an incorrect recording of her grade in the retirement notification and pension papers may have a direct and adverse bearing upon such benefits.

13. In such circumstances of the case we deem it fit and proper to direct the competent authority to examine the petitioner’s service book, promotion/time-scale orders, seniority record, pay record, last pay certificate/monthly salary statement and all other relevant documents, and determine whether the BPS-18 benefit granted with effect from 30.05.2023 remained valid and operative on the date of her superannuation. If the record confirms that the said benefit was lawfully granted and remained unwithdrawn, the retirement notification and pension papers shall be corrected accordingly and her pension, commutation, G.P. Fund and other retiral benefits shall be processed on that basis.

14. The fact that the petitioner has already rendered more than 33 years of service and has admittedly reached the age of superannuation on 13.11.2025 makes it incumbent upon the respondents to finalize her retirement status and retiral benefits strictly in accordance with law and the record, rather than leaving the matter unresolved through an inconsistent or unexplained entry of BPS-16. Any adverse determination affecting a benefit already granted and implemented during service must be supported by lawful authority, reasons and due process.

15. Accordingly, the respondents cannot deny or reduce the petitioner's accrued service or pensionary entitlement merely through the retirement notification dated 31.08.2026 without first demonstrating lawful authority for such alteration.

16. Consequently, the objection of the petitioner to the extent that her retirement notification has recorded her as BPS-16, despite the subsisting BPS-18 benefit with effect from 30.05.2023, requires reconsideration by the competent authority. The competent authority of respondents is accordingly directed to reconsider and verify the petitioner's grade/status as on 13.11.2025 strictly in accordance with her complete service record, Rule 13(i) of the Civil Servants (Probation, Confirmation & Seniority) Rules, 1975, the applicable time-scale/financial-incentive policy and other relevant service rules. If the BPS-18 grant is found to have been lawfully made, duly implemented and never withdrawn or cancelled during her service, the respondents shall issue a corrected retirement notification and consequential pension papers showing the petitioner's lawful status accordingly and process her pension, commutation, G.P. Fund and other retiral benefits on that basis, within one month and without subjecting her to any further unlawful delay. In case of failure, consequences shall follow under Article 204 of the Constitution.

17. Petition stands disposed of in the above terms alongwith pending application(s), if any.

JUDGE

JUDGE