HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-628 of 2025
[Murli Das vs. Province of Sindh and others]

Before:
JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE MUHAMMAD JAFFER RAZA

Petitioner:	Through Mr. Yasir Ismail Khoso advocate
Respondents:	Through Mr. Rafique Ahmed Dahri Additional A.G Sindh
Date of hearing	04.11.2026
Date of Decision	04.11.2026

O R D E R
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ADNAN-UL-KARIM MEMON J The petitioner, a retired Sanitary Worker (BPS-02) of TMC Hussainabad, retired on 31.12.2023, seeks release of his outstanding pensionary benefits, including pension, gratuity and leave encashment.

2. Today Senior Accounts Officer, HMC has filed statement that, under Notification dated 11.05.2026, pensionary liabilities are payable by the Council to its retired employees. He has also produced proof of payment of gratuity amounting to Rs.38340/- along with pension statement.

3. The Finance Department submits that it regularly releases OZT share to TMC Hussainabad, whereas the Local Government Department seeks time to finalize the pensionary liabilities in accordance with the Provincial Local Government Commission's recommendations.

4. In view of the submissions made by the counsel for the parties and the material available on record, it is evident that the petitioner, having retired from service on 31.12.2023, is entitled to receive his lawful pensionary benefits without undue delay. The payment of gratuity amounting to Rs.38340/- by HMC does not, by itself, discharge the respondents from their remaining obligations towards the petitioner, particularly regarding his pension and leave encashment.

5. Furthermore, under Section 125 of the Sindh Local Government Act, 2013, the concerned Council is required to establish and maintain a pension fund for payment of pensionary benefits to its employees. The Finance Department has acknowledged that the OZT share is regularly released to TMC Hussainabad; therefore, the respondents cannot indefinitely withhold the petitioner's lawful dues

on account of administrative or financial arrangements. The responsibility for settling such liabilities cannot be shifted from one department or local council to another, particularly when the petitioner has already rendered his services and retired. The principles laid down by this Court in Patras Masih v. Province of Sindh and others also emphasize that pensionary benefits are a legal entitlement and cannot be withheld on the pretext of financial constraints.

6. In these circumstances, we are of the considered view that the petitioner cannot be made to suffer on account of inter-departmental correspondence or delay in finalizing the pensionary liabilities.

7. Consequently, the Secretary, Local Government Department, Government of Sindh, is directed to finalize the petitioner's outstanding pensionary liabilities in consultation with the concerned Council, strictly in accordance with the Notification dated 11.05.2026 and the applicable rules, and ensure payment of all remaining admissible benefits subject to entitlement under the law, including monthly pension and leave encashment, within a period of 30 days. The amount of gratuity already paid shall, of course, be duly accounted for. The Finance Department shall ensure timely availability of the requisite funds through the OZT mechanism or other lawful means, if required. A compliance report shall be submitted before this Court through Additional Registrar for perusal in chamber.

8. With the above directions, the petition stands disposed of.

JUDGE

JUDGE

Karar_Hussain/PS*