HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-1867 of 2025
[Zaib-un-Nisa vs. Province of Sindh and others]

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

Petitioner:	Through Mrs. Razia Ali Zaman Khan, Advocate
Respondents No.1	Through Mr. Rafique Ahmed Dahri Additional A.G Sindh
Respondents 2to8:	None present
Respondent No.9:	Through Mr. Imdad Ali Unar advocate
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, widow of late Raza Hussain, Ex-Compounder, District Council Hyderabad, has filed this Constitutional Petition seeking release of financial assistance amounting to Rs.15,00,000/- (BPS-16), payable on account of her husband's death during service on 30.08.2019.

2. Learned counsel for the petitioner submits that despite passage of more than six years, the respondents have failed to release the financial assistance. The petitioner has six daughters, no male issue, and is suffering from a heart ailment. She contends that she needs the outstanding amount for her medical treatment and her daughters' marriages, whereas the respondents have delayed payment on the pretext of insufficient funds and the merger of department with Respondent No.1.

3. Learned A.A.G assisted by the counsel of respondents submits that Hyderabad Municipal Corporation (HMC) is a body corporate under Section 7 of the Sindh Local Government Act, 2013, and is responsible for its financial liabilities, including payment of financial assistance to deceased employees. It is further submitted that the petitioner has already received Rs.410,784/- through bearer cheque No.24558086 dated 02.03.2026. It is contended that the Finance Department regularly releases the monthly OZT share, including additional grants, to HMC, and the monthly share of HMC is Rs.192.386 million. Therefore, timely payment of salaries, pensions and financial assistance is the sole responsibility of HMC.

4. Learned counsel for respondents TMC submits that all pensionary cases of the defunct District Council, Hyderabad, were forwarded to Hyderabad Municipal Corporation (HMC) vide letter dated 09.10.2023, and HMC is responsible for processing and payment of the outstanding financial assistance. It is further submitted that, under the Government notification dated 23.07.2026, the liability of financial assistance payable to the legal heirs of deceased employees of the defunct District Council, Hyderabad, rests with HMC.

5. The Senior Accounts Officer, Hyderabad Municipal Corporation, has submitted a statement detailing the outstanding financial assistance liabilities of deceased employees of the defunct local councils, including District Council Hyderabad, showing an aggregate liability of approximately Rs.55.2 million. The statement also reflects the petitioner, Mst. Zaib-un-Nisa, at serial No.4, with financial assistance of Rs.15,00,000/- payable to her.

6. We have heard learned counsel for the parties and perused the available record. It is an admitted position that the petitioner's husband, late Raza Hussain, died during service on 30.08.2019, and the petitioner, being his widow/legal heir, has claimed financial assistance under the applicable Government policy.

7. The respondents have not disputed the liability in principle; rather, their stance is that the responsibility for payment rests with Hyderabad Municipal Corporation (HMC).

8. In terms of Section 7 of the Sindh Local Government Act, 2013, HMC is a body corporate having perpetual succession, capable of suing and being sued, while Section 96 empowers it to generate revenue through levy and collection of taxes, rates, tolls and fees. Furthermore, the Government notification dated 23.07.2026 specifically provides that arrears of financial assistance payable to legal heirs of deceased employees of the defunct District Council, Hyderabad, shall be borne by HMC. The said notification also makes the payment subject to the applicable Finance Department Policy Circular dated 01.01.2018.

9. The petitioner's entitlement is further supported by the statement submitted by the Senior Accounts Officer, HMC, wherein her name appears at serial No.4 against financial assistance of Rs.15,00,000/-, forming part of the outstanding liabilities of HMC. Thus, the liability is not merely an assertion of the petitioner but is also reflected in the official record of the Corporation.

10. The plea of insufficient funds or administrative difficulties cannot, by itself, justify withholding an admissible statutory/service benefit for an indefinite period, particularly when the Government has expressly assigned the responsibility for payment to HMC and the Finance Department has been releasing funds to the

Corporation. Any internal financial or administrative arrangement cannot prejudice the lawful entitlement of a deceased employee's legal heirs.

11. In view of the foregoing, we are of the considered opinion that the petitioner cannot be deprived of her legitimate service benefit on account of inter-departmental correspondence, financial constraints or administrative arrangements.

12. Accordingly, this petition is disposed of with directions to the Hyderabad Municipal Corporation, through its Municipal Commissioner, to process and release the admissible financial assistance to the petitioner, up to the sanctioned amount as discussed supra subject to her entitlement under the law within a period of two months from the receipt of this order, subject to verification of her legal heirship, fulfilment of the prescribed requirements and entitlement under the applicable rules and Finance Department Policy Circular dated 01.01.2018. Any amount already paid to the petitioner under the same head shall be duly adjusted against the admissible amount to avoid double payment. In case of any deficiency in the petitioner's claim, the same shall be communicated to her through a speaking order within the aforesaid period.

13. Petition stands disposed of in the above terms.

JUDGE

JUDGE

Karar_Hussain/PS*