

IN THE SUPREME COURT OF PAKISTAN  
(APPELLATE JURISDICTION)

**PRESENT:**

MR. JUSTICE GULZAR AHMED  
MR. JUSTICE SARDAR TARIQ MASOOD  
MR. JUSTICE FAISAL ARAB

**CIVIL APPEAL NO. 1203 OF 2014**

(On appeal against the judgment dated 18.10.2012  
passed by the Peshawar High Court, D.I. Khan  
Bench in Writ Petition No. 841/2010)

WAPDA through its Chairman and another

... Appellants

**VERSUS**

Mst. Parizada

... Respondent

For the Appellants: Mian Shafaqat Jan, ASC  
Syed Rifaqat Hussain Shah, AOR

For the Respondent: Mr. Arshad Zaman Kayani, ASC  
Ch. Akhtar Ali, AOR

Date of Hearing: 11.07.2018

**JUDGMENT**

**FAISAL ARAB, J.**- Naseeb Khan, the deceased husband of the respondent was appointed by the petitioner as office Chowkidar on 02.10.1982. He died during service on 05.06.1992 after putting in 9 years and 8 months of service. After his death, his widow was paid group life insurance and other financial benefits but was denied pension. The respondent-widow then claimed that her husband being Chowkidar and died after serving for a period of about 10 years, she is entitled to get pension under Wapda Pension Rules. Her claim for pension was denied by the department on the ground that her deceased husband was only a work charge employee. The respondent then wrote a letter to the Hon'ble Chief Justice of Peshawar High Court, which was treated as Writ Petition. The learned High Court after taking into

consideration the fact that respondent's husband was working as office Chowkidar and during his service was given annual increments, as were permissible to the regular employees and upon his death, respondent-widow was also given all other financial benefits except the pension, vide impugned judgment held that respondent-widow is entitled to pensionary benefits. Aggrieved by such decision, petitioner department filed Civil Petition No. 346/2013 wherein leave was granted to consider whether as per the claim of the petitioner, the late husband of the respondent was a work charge employee.

2. After examining the record, we are of the view that respondent's deceased husband was appointed as Chowkidar, which is a permanent post and that is the reason that he had been given annual increments and upon his death, her wife was given all financial benefits including group life insurance etc but was denied pension. From the nature of job and the period respondent's husband had served, it cannot be said that he was a work charge employee. There was every likelihood that he would have continued to serve had he lived longer. Learned counsel for the petitioners in the alternative argued that even otherwise, the respondent's husband has not put in the minimum ten years service in terms of pension table contained in Rule 6 of the Pakistan Wapda Pension Rules, therefore, the claim of pension even on the basis of a permanent employee was not permissible in law. In rebuttal, learned counsel for the respondent referred to Volume-II of Wapda Compendium of important directives/office orders issued by the authority. He specifically pointed out

paragraph 2(c)(5) of Serial Number 2 under the heading 'Payment of Dues' of Wapda, which clearly provides that "*pension as well as Commutation (25%) is to be paid, if service is 9-1/2 years or more.*" In the present case, the respondent's husband had admittedly put in 9 years and 8 months service. Hence, he being not a work charge employee and has been working on a permanent post until his death, her widow was entitled to receive pension. We, therefore, find no justification to interfere in the impugned judgment. This appeal having no merit is accordingly dismissed.

JUDGE

JUDGE

JUDGE

Islamabad, the  
11<sup>th</sup> of July, 2018  
Not Approved For Reporting  
**Khurram**