

JUDGMENT SHEET

IN THE HIGH COURT OF BALOCHISTAN, QUETTA

Constitution Petition No(s).140 of 2023
(CC# 100207600465)

Manzoor Ahmed
Vs.
Secretary, Finance Civil Secretariat and others

Date of hearing: 27.11.2025 Announced on: 08-12-2025

Petitioner by: Mr. Muhammad Ali Kanrani, Advocate.

Official respondents by: Mr. Changaiz Baloch, Assistant Advocate General.

JUDGMENT

Sardar Ahmad Haleemi, J. The petitioner has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973 ("the Constitution") with the following relief:

"It is respectfully prayed that this court may kindly be pleased to declare the act of respondents by withholding pensionary benefits of petitioner's wife as illegal, unlawful, without lawful authority & of no legal effect. Further, this honorable court may kindly be pleased to direct the official respondents to release the pensionary benefits of wife of petitioner in favour of petitioner, including nothing.

Any other relief which this Hon'ble Court deems fit and proper may also be granted in favour of petitioner."

2. As per contents of the instant petition, the petitioner is a law-abiding citizen of Pakistan; his wife, namely Mst. Reham Bibi

was serving in the Education Department SST (G), and she unfortunately passed away on 30.05.2021 during service. The competent authority issued her death certificate. After her demise, the petitioner approached the Education Department, which subsequently issued the official death notification dated 30.06.2022. The Department directed the petitioner to obtain a succession certificate, which the petitioner acquired from the competent court of law. The Education Department processed the petitioner-wife's case for the release of pension and service benefits to the concerned respondents. However, the matter has been unnecessarily delayed, and the petitioner came to know that the service number of his wife was altered and allotted to another employee without any prior notice or intimation to the petitioner. Despite repeated visits and requests by the petitioner, the respondents failed to address the issue or release the lawful pensionary benefits, compelling the petitioner to file the instant constitutional petition.

3. Pursuant to the court's notices, the official respondents filed their para-wise comments. The Secretary Finance (respondent No.1) stated that the Accountant General Balochistan, Quetta, informed that Mr. Muhammad Tariq, District Account Officer Sibi, tempered/changed the master data of personal No.2083970 in respect of Mr. Ghulam Jan s/o Shahzda to Mst. Raham Bibi SST (B-19). The respondent No.1 had informed the Secretary, Education Department, about the change of master date of about 143 fake employees of the Education Department, Kachhi, and the name of Mst. Reham Bibi is

also included in the fake/bogus employees list. Inquiry of which is still pending, but surprisingly, the Education department had issued a retirement order of Mst. Reham Bibi, thus the District Account Officer was directed to rectify the master data of personal number of Mr. Ghulam Jan. Likewise, DG Treasuries & Accounts of Balochistan also took the same stance.

4. Learned counsel for the petitioner inter alia contended that the concerned authorities had withheld pension and service benefits of the deceased employee unlawfully, arbitrary, and without any legal justification; that the pensionary benefits is a vested right that accrues to the legal heirs of a deceased government servant, and denial of such benefits amounts to a violation of the petitioner's fundamental rights guaranteed under the Constitution; that the act of the respondents in altering the deceased employee's service number and allotting it to another employee, without notice to the petitioner, reflects mal-administration and mala fide exercise of authority; that all necessary legal requirements including issuance of a death certificate, death notification, and procurement of a Succession Certificate have already been fulfilled by the petitioner, therefore, the respondents have no lawful basis to delay or deny the pensionary benefits; the continued withholding of pension is in derogation of settled principles laid down by the superior courts regarding the timely release of pension and service dues to widows, legal heirs, and dependents of deceased government servants.

5. Conversely, learned Assistant Advocate General representing the official respondents opposed the petition and supported the para-wise comments submitted by the official respondents and argued that the instant petition is devoid of merit; that the record produced by the District Education Officer, Kachhi, reveals that no service record whatsoever exists in respect of Mst. Reham Bibi, the alleged deceased employee; that the Headmistress of Government Girls High School, Khatan, has also categorically reported that the school record is entirely silent regarding any Teacher by the said name, thereby contradicting the petitioner's stance; that the personal number 20183970 originally pertained to one Mr. Ghulam Jan son of Shahzada, who was appointed as JET and had been drawing salary against the said number until November 2014. The Accountant General of Balochistan subsequently detected that the said personal number had been tampered with and unlawfully substituted in the name of Mst. Reham Bibi, through the alleged involvement of an official of the District Accounts Office, Sibi. The issue was accordingly communicated to the Education Department, where an inquiry was initiated regarding 143 suspected fake/bogus employees, including the alleged name of Mst. Reham Bibi, is pending adjudication; that in the presence of such serious discrepancies particularly the absence of service record, pending inquiry into fake appointments, and confirmed tampering of master data, the petitioner has no enforceable right to claim pensionary benefits; that the petitioner has not approached this court with clean hands and has failed to establish that the deceased was ever a bona

fide employee of the Education Department. Therefore, according to the learned AAG, the petition is liable to be dismissed.

6. We have heard the learned counsel for the parties and examined the record minutely. It appears that official respondents initiated an inquiry into allegations of tampering with the master data of an employee's personal number and the inclusion of the petitioner's wife's name on the list of suspected fake/bogus employees, which is pending for determination before the competent departmental authority. The material placed before this Court does not support the petitioner's assertion that Mst. Reham Bibi was a genuine employee of the Education Department, nor does it establish any enforceable right in favour of the petitioner for release of pensionary benefits at this stage. This factual controversy could only be resolved in the department inquiry; as such, the instant petition is not maintainable.

In view of the pending inquiry and in the absence of any substantiated record proving the service status of the alleged deceased employee, no case is made out for interference under Article 199 of the Constitution. Consequently, the Constitution Petition No(s). 140 of 2023 stands dismissed.

Announced in open Court:
Quetta, on 8th December, 2025

Judge

Judge.