

**JUDGMENT SHEET.**  
**ISLAMABAD HIGH COURT, ISLAMABAD,**  
**JUDICIAL DEPARTMENT.**

**W.P No.789/2019.**

**Miss Robina etc**

**Vs.**

**Federation of Pakistan etc.**

Petitioners by:

Mr. Muhammad Ramzan Khan,  
Advocate.

Respondents by:

Barrister Mumtaz Ali, AAG.

Adeel Ayub, AD (Admin) PCST.

Mumtaz Khan, Joint Estate Officer.

**Date of Decision:**

**31.10.2019.**

**MOHSIN AKHTAR KAYANI, J:-** Through this writ petition, the petitioners have prayed for lump sum grant and cash payment in lieu of plot to them being the surviving legal heirs and family members of Iqbal Yousaf Ex-Computer Programmer (BPS-17) in Pakistan Council for Science and Technology, who died on 07.10.2016 during service in terms of Prime Assistance Package, 2014.

2. Learned counsel for the petitioner contends that Iqbal Yousaf Ex-Computer Programmer (BPS-17) was working with Pakistan Council for Science and Technology, who died on 07.10.2016 during service leaving behind two un-married sisters (petitioners) and younger un-married brother Shah Faisal Khan and the deceased employee was also un-married and as such under the Prime Minister Assistance Package, 2014 they are entitled for lump sum grant and cash payment in lieu of plot.

3. Conversely, learned AAG contends that the petitioners are not entitled for benefits claimed by them as the required benefits under the law have already been released, which are family pension and gratuity in terms of rules and both the petitioners are not entitled for any lump sum grant as they do not fall within eligibility of Prime Minister Assistance Package, 2014.

4. I have heard the arguments and gone through the record.

5. Perusal of the record reveals that Iqbal Youas Ex-Computer Programmer was employee of Pakistan Council for Science and Technology, who died on

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07.10.2016 during his service leaving behind two un-married sisters i.e. the petitioners and one younger un-married brother namely Shah Faisal Khan 21 years old. As per record, the petitioners are entitled for pensionary benefits and the same were transmitted to petitioner No.1 in the following manner:-

i. Monthly Family Pension and Medical:	Rs.42,610/-
ii. Gratuity:	Rs.1,847,865/-
iii. Leave Encashment:	Rs.606,360/-
iv. Balance of GPF:	Rs.188,032/-

6. Over and above Pakistan Council for Science and Technology dispatched cheque No.A362012 dated 03.11.2016 amounting to Rs.2,454,225/- and cheque No.39083915 dated 03.11.2016 amounting to Rs.188,032/- on account of following pensionary benefits:-

i. Gratuity:	Rs.1,847,865/-
ii. Leave Encashment:	Rs.606,360/-
iii. Balance of GPF:	Rs.188,032/-
<b>Total:</b>	<b>Rs.2,642,257/-</b>

7. While considering the above background, the petitioners are still aggrieved and filed the instant writ petition with the claim that they fall under the definition of family in terms of office memorandum issued by Government of Pakistan Establishment Division known as Prime Minister Assistance Package for the families of Government employees, who died in service and claims lump sum grant and cash payment against the plot. While considering their request, I have gone through the letter dated 09.02.2017, whereby Establishment Division issued first memorandum to the following effect:-

“GOVERNMENT OF PAKISTAN  
CABINET SECRETARIAT  
ESTABLISHMENT DIVISION  
\*\*\*\*\*

No.8/122/2016-E-2

Islamabad, the 9<sup>th</sup> February, 2017.

Office Memorandum

**Subject: ASSISTANCE PACKAGE FOR GOVERNMENT EMPLOYEES WHO DIED IN SERVICE.**

*The undersigned is directed to refer to Science & Technology Division's O.M No.3(10)/2016-PCST dated 29<sup>th</sup> November, 2016 on the above noted subject. It is informed that as per O.M issued by this Division on 21<sup>st</sup> October, 2006, surviving parents*

*of unmarried officials who die while in service are entitled for payment of cash grant only. In addition, as per policy instructions dated 6<sup>th</sup> August, 2004, widow/widower, or a child of a civil servant who dies during service is entitled for job under the Assistance Package. Appointment of a brother or sister under the Assistance Package is not covered under the rules. Since Late Iqbal Yousaf, ex-Computer Operator (BS-17) has not survived parents, therefore, his brother or sister are not entitled for any assistance under the Prime Minister's Assistance Package.*

*(Manzoor Ahmed)  
Section officer (E-2)  
Tele: 9103653*

*Science & Technology Division,  
(Ms. Rubina Akhtar),  
Section Officer (Org-I)  
Government of Pakistan,  
Islamabad."*

8. I have gone through each and every aspect of the case and there is no denial to the proposition that the deceased has left two sisters and younger brother without leaving behind wife or children and as per further liberalization of liberalized pension rules for civil servants dated 23.10.1983 issued by Finance Division, Government of Pakistan family means:-

*"The family for the purpose of payment of death-cum-retirement gratuity will include the following relatives of the Government servant:-*

- (a) Wife or wives, in the case of a male Government servant.*
- (b) husband, in the case of a female Government servant.*
- (c) Children or the Government Servant.*
- (d) widow or widows and children of a deceased son of the Government servant."*

9. Similarly, while dealing with family pension in section 2, the pension is given to widow, eldest surviving unmarried daughter till she attains the age of 21 years or till her marriage, which ever is earlier, eldest surviving son below 21 years and by way of amendment in the said O.M on 24.02.2005, para 8 sub para 2(b) clause iv has further been amended and substituted with eldest surviving unmarried sisters for life or till her marriage but in all these categories this concept is only available to the family pension and gratuity, which cannot be stretched in Prime Minister Assistance Package as the Prime Minister Assistance Package was issued by the authority of Prime Minister of Pakistan with different analogy and not under the further liberalization of liberalized pension rules for civil servant, therefore, the claim of the petitioners seeking lump sum grant in lieu of plot is not made out,

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which has not been given any protection under the law, even the petitioners have failed to submit any relevant rules or enactment through which she can justify their claim as matter of right. Therefore, instant writ petition is misconceived and the same stands **dismissed.**

**(MOHSIN AKHTAR KAYANI)**  
**JUDGE**

R.Anjam