



DECISION

POS/1454/2024/J-11.

Complaint No.	:	
Name and address of the complainant	:	Mr. Umar Faryaz, Assistant Professor, C/o. Asif Rehmani, Asstt: "N" Section, Secretariat Prov: Ombudsman Sindh, Karachi.
Name of the Agency Complained against	:	N.E.D., University of Engineering & Technology, Karachi.
Name & Designation of Investigating Officer	:	Muhammad Misbah Tunio Advisor-J
Vetted by	:	
Subject	:	<u>ALLEGED DISCRIMINATION IN CALCULATION OF SERVICE DUES OF THE COMPLAINANT BY NED UNIVERSITY DESPITE PAYMENT OF ADMISSIBLE CAPITALIZED VALUE OF PENSION BY THE URDU UNIVERSITY FOR THE PERIOD WHICH HE SERVED IN THE SAID UNIVERSITY.</u>

THE COMPLAINT

Mr. Umar Faryaz, Assistant Professor (Rtd), filed a complaint dated 12.03.2024 and stated therein that he had served as Lecturer in Federal Government Urdu University of Arts, Science & Technology (FGUUAST), Karachi from 05th November, 1988 to 10th March, 2000. He joined N.E.D University of Engineering & Technology, Karachi on 11th March, 2000 and retired on 05th September, 2023. He added that the NED University had demanded 30 years pension contribution from FGUUAST. The NED University received all dues of pension contribution from Urdu University amounting to Rs.210,650/- . He alleged that the Director Finance of NED University had wrongly calculated amount of pension contributions as Rs.72,51,052/- payable by FGUUAST though he served there only for 11 years, four months and five days. The Director Finance, NED University calculated his pension at a capitalized value of pension contribution, but for other teachers calculated it with different formula, which was discrimination. He, therefore, requested for directions to the Agency for re-calculation of amount of pension contribution with same formula.

PROCEEDINGS

2. The complaint was admitted under Section 10 of the Establishment of Office of Ombudsman for the Province of Sindh Act, 1991 (amended up-to-date) and after condoning the delay.

3. The matter was taken up with the Agency for report/ comments. In response, the Registrar, NED University, Karachi vide letter dated 15.04.2024 informed that the University had already provided the details of pension capitalized value on the request of the complainant well before his retirement. After the retirement it was recalculated and put up in his office record file.

4. The complainant in his rejoinder of 02.05.2024 stated that the common rule for calculation of the pension contribution was 33.3% of the basic pay, which comes to be Rs.209,163/- and the FGUUAST, Karachi had already paid Rs.210,650/- to the NED University. The NED University was bound to deal with all the employees equally without any discrimination on any ground. The Director Finance of the University had followed a discriminatory policy, wherein some employees coming from other organizations through proper channel were asked to submit the value of the pension contribution without any capitalized value and same was accepted by the NED University. Details are as follows:-

- A. Dr. Najeed Ahmed Khan's, who was Lecturer in Govt: College for Women, Korangi No.4, Karachi, normal pension contribution amounting to Rs.103,464/- for the period from 09.09.1991 to 31.12.1996 was accepted.
- B. Similarly, in case of Dr. Mushtaque Hussain of Mathematics Department, who was working in Education Dept: Govt: of Sindh, normal pension contribution amounting to Rs.176,180/- for the period from 01.08.1993 to 20.08.2001 was accepted vide letter dated 03.07.2009 and Office Order dated 21.07.2009 issued by the Director Finance and the Registrar, of the NED University respectively.
- C. In case of Mr. Aftab Ahmed Farooqi, Ex-Associate Professor, who came from Baluchistan University of Eng: & Technology (BUET), Khuzdar after rendering more than ten years of the service and was defaulter at the BUET, his pension contribution was forfeited by BUET and not a single penny was paid to the NED University. However he was paid full pension and commutation by the NED University even for the period served at BUET, Khuzdar.

5. The Director Finance, NED University, Karachi vide letter dated 06.06.2024 denied the allegations of discrimination and wrong calculation of pension contribution. He added that the calculation of pension contribution was in

accordance with NED University Employees Pension Statutes, 1990. "The Account Code Volume I, Rule No.32 clearly mentions the capitalized value of pension payment." The amount of Rs.209,163/- pertained to the pension contribution and not to the capitalized value. The complainant had paid that amount just before his retirement, whereas he should have paid it immediately after his joining the NED University in 2000.

6. The matter was referred to the Secretary, Government of Sindh, Finance Department, Karachi for opinion. In response, the Section Officer (SR-III), Finance Department, Government of Sindh, Karachi vide letter dated 23.10.2024 put forward observation that the complainant served at FGUUAST for a period of eleven (11) years, four (04) months and five (05) days, therefore the FGUUAST was only liable to transfer pension contribution to NED University for the said period.

7. The matter was also referred to the Director General, Office of Accountant General Pakistan Revenues (AGPR), Sub-Office, Karachi vide letter dated 27.11.2024 for opinion. In response, the Assistant Accountant General (Pension-II), AGPR, Karachi vide letter dated 17.12.2024 informed that the matter of Pension Contribution between two Universities would be determined by terms and conditions of the services as specified in University Code. The Para (a) of University Grants Commission, Islamabad letter dated 13.12.1984, prescribed in NED University Code Vol-III (Page-236) states that:

"Where a teacher having applied through proper channel resigns with the consent of his employing university to immediately join another university, his service may be deemed to be continuous for the purposes of pension and **the Government rules about sharing the pension may be applied** as are applicable to Government employees coming from a Provincial Government to the Federal Government or vice versa."

8. He further added that the Finance Division OM No.F 5 (2)-REG-7/81-1352, dated 31.12.1981 narrated at page No.66 of Manual of Pension, which says that:

"In the case of a Government servant who resigns from the public service to take up an appointment in an autonomous/ semi-autonomous organization as its regular employees, service in which counts for pension under the rules of that organization of the public service, in term of Article 418 (b), CSR, and the autonomous organization concerned may count government service of such an employee for the purpose of pension and accept the full pensionary liability. The Government Department concerned may, however, pay pension contributions to the organization concerned at the prescribed rates in respect of the Government service rendered by the said employee."

9. From the facts as mentioned above, it appears that Pension Contribution at prescribed rates in this case is required for counting of previous services rendered by the complainant in FGUUAST, which the University concerned had already paid as a lump sum amount of Rs.210,650/- through cheque dated 08.09.2017.

FINDINGS.

10. After perusal of available record, papers and rules submitted by both the parties during proceedings and hearings, it transpired that:-

- A) The complainant had served as Lecturer in FGUUAST, Karachi for the period of 11 years, four months and five days with effect from 05.11.1988 to 10.03.2000 for which the pension contribution amounting to Rs.210,650/- had been received by the NED University from the FGUUAST, Karachi, but the Director Finance, NED University had wrongly calculated pension contribution in respect of the complainant amounting to Rs.72,51,052/- towards FGUUAST, Karachi for the period which he had served there.
- B) The services rendered by Dr. Mushtaque Ahmed Ex-Associate Professor in Education Department Government of Sindh for the period of 08 years and 19 days with effect from 01.08.1993 to 20.08.2001 for which an amount of Rs.176,180/- toward pension contribution was received without any objection, but the complainant was asked by the NED authorities for pension contribution amounting to Rs.72,51,052/- for the period of 11 years, four months and five days, which is discrimination on the part of the Agency.
- C) The Section Officer, Finance Department, Government of Sindh and the Assistant Accountant General (Pension-II), AGPR, Karachi in their opinions dated 23.10.2024 and 17.12.2024 respectively have also observed that the services rendered by the complainant at FGUUAST were for a period of eleven (11) years, four (04) months and five (05) days. Therefore the FGUUAST was only liable to transfer pension contribution for the said period to the NED University, which had already been paid in lump sum amounting to Rs.210,650/-.

DECISION.

11. In view of the above and in exercise of powers vested in me under Section 11 of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991 (amendment up-to-date), I hereby direct the Registrar and the Director Finance, NED University of Engineering & Technology, Karachi to re-calculate pension contribution payable by FGUUAST regarding the period served by the complainant there as determined by the Section Officer, Finance Department, Government of Sindh and the Assistant Accountant General (Pension-II), AGPR, Karachi in accordance with terms of conditions of the services specified in Para (a), NED University Code Vol-III (Page-236) and treat the case of complainant exactly in the manners it has treated the case of Mr. Mushtaque Ahmed quoted at Para-10 (B) of this order.

12. The compliance report of this order should be furnished within 60 days hereof.

13. The complaint stands disposed of accordingly.

"Given under my hand and seal of office"

Sd /-

(MUHAMMAD SOHAIL RAJPUT)

Sitara-e-Imtiaz. PAS
Ombudsman, Sindh

Karachi, dated 11th February, 2025.

