



## **DECISION**

Complaint No. :

POS/8787/KE-545/23

Name and Address  
of the Complainant :

Mst. Raees Fatima, Wd/o. Haider Ali Khan, R/o. Flat  
No. D-312, Qasim Complex, Block-18, Gulistan-e-Johar,  
Karachi.

Name of the Agency  
Complained against :

University of Karachi

Name & Designation of  
Investigation Officer :

Syed Farrukh Habib  
Director, Regional Office, Karachi (East)

Subject :-

**COMPLAINT AGAINST UNJUST DEDUCTION OF  
RS. 36,000/- FROM PENSION OF THE  
COMPLAINANT THOUGH SHE LEFT THE  
OFFICIAL RESIDENCE IN THE YEAR 2017 AND  
FAKHARUDDIN, SECURITY GUARD, ILLEGALLY  
OCCUPIED THE SAME.**

### **THE COMPLAINT**

Mst. Raees Fatima, in her complaint dated 31.10.2023, stated that she served as an Office Assistant in the Marine Science Department, University of Karachi, and retired on 28.02.2017 upon attaining the age of superannuation. During the course of service she was allotted official accommodation E-10 in the University Staff Town in September 1998. She stated that she vacated the said accommodation in December 2017 upon retirement. However, before the issuance of her clearance certificate, Mr. Fakharuddin, a Security Guard, unlawfully occupied the said house and continues to retain possession of it to date. She further stated that an amount of Rs. 36,000/- is being deducted as penalty from her pension under the head of house rent recovery, despite the fact that she was no longer in possession of the premises. In addition an amount of Rs. 72000/- was also deducted prior to sanction of pension, which needed to be returned. She further added that, the Estate Officer had conducted a survey of House No. E-10 in January 2018 and issued a notice to Mr. Fakharuddin on 03.10.2018 directing him to vacate the house, which he ignored. Another notice dated 22.08.2020 was also issued by the Estate Office, University of Karachi with a 30-day ultimatum, yet the house remains under his illegal occupation. She contends that since the house has been under the possession of Fakharuddin for the last six years, the recovery amount of Rs. 36,000/- should be retrieved from his salary instead of her pension, and the deducted amount should also be refunded to her. She therefore, solicited our intervention in the matter.

### **PROCEEDINGS**

2. After admission of complaint under Section 10 of the Establishment of the office of Ombudsman for the Province of Sindh Act, 1991, (amended up to date), as well as receiving mandatory Affidavit on Form "A" and other relevant documents, report was called from the Agency. In response the Registrar, University of Karachi vide his letter dated 21.12.2023 forwarded report from the Estate Officer which state that House No. E-10 remained under occupation of complainant M/s. Raees Fatima from September 1998 to February 2017, when she retired. As per rule she could retain such accommodation upto one year after retirement. However, during a routine survey on 18.12.2018 the staff of Campus Estate Office found the said house under illegal occupation of Mr. Fakhurddin, Security Guard of the University. Upon such report, Ms. Raees Fatima was enquired on 01.01.2019 about such

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occupation but she declined and stated that as per her entitlement the said house was still in her possession. The report added that since Ms. Raees Fatima failed to handover vacant possession of the residence to Estate Office, the office record still consider her as occupant.

3. In her rejoinder dated 31.01.2024, the complainant stated that in December 2017, when her husband was bedridden due to paralysis and her son's wedding was also taking place, due to which she shifted to Gulzar-e-Hijri owing to space constraints. She submitted an application to the Campus Office clarifying that she had retired less than a year ago and still held the house keys to facilitate guests. She admitted that she did not formally returned the house keys to the Estate Office, which delayed her clearance. In the meantime, Security Guard Mr. Fakharuddin unlawfully occupied the vacant house. Though the Estate Office was aware of the illegal possession, they neither informed her nor took timely action. She contended that the house has been under Fakharuddin's occupation since last six years, yet her name remains in the records, leading to an unjust deduction of Rs. 36,000/- every month from her meager pension of Rs. 50,000/-. She requested that the amount be refunded to her and recovered from the illegal occupant.

4. The Investigating Officer fixed the case for hearing on 23.07.2024 attended by the complainant and Engineer Noreen Shariq, Estate Officer, University of Karachi. The Estate Officer explained that imposition of penalty of deduction of three times of monthly rent from pension was imposed under the approval of KU Syndicate. She further stated that complainant still had access to that house and allegedly held control over one room. However, complainant denied such claim of Agency. The Estate Officer was advised to initiate the legal process for getting the said place vacated from illegal occupant. The Agency was advised that complainant need not be penalized further and ~~she~~ be called to Estate office to get the clearance issued in order to get her pension deductions stopped.

5. Another hearing was held on 28.08.2024 which was attended by the complainant and Engineer Noreen Shariq, Estate Officer, University of Karachi who furnished report that the complainant had since failed to handover possession of her allotted premises, which led to it being illegally occupied therefore, as per rule penalty has been imposed of deduction of 3 times the rent from her pension. She further informed that complainant has been called to attend the Estate Office for further action on her complaint.

6. Final hearing was held on 31.10.2024 which was attended by the complainant, Engineer Noreen Shariq, Estate Officer, University of Karachi and Mr. Fakharuddin, Security Guard (present occupant of premises). He stated that he obtained keys of the quarter of Raees Fatima from Mr. Rafiq, Cook posted in new guest house at that time seven years ago. He admitted that once after opening the house he found some stuff of previous resident Mst. Raees Fatima there. She visited the place after two/three months of his occupation of quarter. He couldn't recall as to when was he served with a notice for illegal occupation of quarter from the Estate Office. He further stated that for the last three years he didn't even receive any notice from the Estate Office for illegally residing at the said quarter. The Estate Officer told that Estate Office had last issued notice to the illegal occupants after meeting of the committee constituted by the Vice Chancellor. The Security Guard was suspended, then restored and then again suspended but no action was taken by the anti-encroachment staff of University of Karachi to get the said quarter vacated from illegal occupation. The Estate Officer informed that now the university

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intend to initiate action against all such illegally occupied possessions, as well as to get the subject quarter vacated. The complainant when asked why did she handed over keys to Mr. Rafiq, who handed over keys to Fakharuddin, Security Guard, she had no plausible answer. Nor could she explain as to why she didn't inform the Estate Office of her quarter being unlawfully encroached / trespassed.

### FINDINGS

7. I have examined the case file and perused correspondence, reports and rejoinders etc., and observed that:

- i. The House No. E-10, University of Karachi, was allotted to Mst. Raees Fatima, who retired on 28.02.2017. As per rules, the house should have been vacated within one year post-retirement, but the complainant failed to formally hand over possession or keys to the Estate Office.
- ii. During this period, the house was unlawfully occupied by Mr. Fakharuddin, Security Guard, without any official allotment or authority. Although the complainant claims she vacated the house due to personal hardship and was unaware of the occupation, she neither reported the unlawful possession nor returned the keys officially.
- iii. The Estate Office also failed to take timely action to evict the illegal occupant and wrongfully continued to treat the complainant as the occupant and penalizing her of hefty deductions from her monthly pension under house rent head.
- iv. Beside the lapse on part of the complainant to hand over vacant possession and keys to the Estate Office as per rules, the failure of Agency in getting such accommodation free from trespasser / illegal occupant since last seven years tantamount to gross mal-administration.
- v. It is a settled principle of law that penalty should be proportionate to the quantum of guilt. Deduction of 3/4<sup>th</sup> of the pension of complainant is certainly harsh and does not commensurate with the gravity of her offence.

### DECISION

8. In view of above and in exercise of powers conferred upon me vide section 11 of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991 (as amended up to date) I direct the Vice Chancellor, University of Karachi, to ensure that House No. E-10 is vacated from illegal occupation without further delay, clearance is issued to the complainant, to let her other service dues cleared as well as stop further deduction of penalty from complainant. The University is further directed to initiate effective measures to get all its accommodations freed from illegal occupation and improve its vigilance and control to prevent recurrence of such instances.

9. Compliance report should be submitted to this office within 60 days.

*Given under my hand and seal of the office*



Sd/-  
(Muhammad Sohail Rajput)  
Sitara-e-Imtiaz, PAS  
Ombudsman Sindh

Karachi, dated 30-07-2025