



DECISION

Complaint No. : POS/1247/2024/HYD/115

Name and address of the complainant : Mr. Shafi Muhammad Soomro
R/o Village Janjha Soomro, Taluka Bulri Shah Kareem,
District Tando Muhammad Khan.

Name of the Agency Complained against : i. Executive Engineer, Public Health Engineering Division,
Tando Muhammad Khan.
ii. District Accounts Officer, Tando Muhammad Khan

Name & Designation of Investigating Officer : Abdul Wahab Memon, Consultant / Director,
Regional Office, Hyderabad.

Vetted by :

Subject : **Muhammad Naseer Jamali, Advisor-N**
COMPLAINT AGAINST PUBLIC HEALTH ENGINEERING DIVISION ALLEGING NON-PAYMENT OF ARREARS OF PENSION TO THE COMPLAINANT

Complaint

Mr. Shafi Muhammad Soomro filed a complaint dated 05.03.2024 wherein he stated that he was appointed as Helper (BPS-02) on work charge-basis on 31.12.1991. He approached the hon'ble High Court of Sindh for regularization of his service and payment of pension. The hon'ble court issued orders vide dated 18.09.2017 with reference to the case reported as 2009 SCMR-1 that:

"Administration of justice—If a Tribunal or the Supreme Court decides a point of law relating to the terms and conditions of a civil servant who litigated, and there were other civil servants, who may not have taken any legal proceedings, in such a case, the dictates of justice and rule of good governance demand that the benefit of the said decision be extended to other civil servants also, who may not be parties to that litigation, instead of compelling them to approach the Tribunal or any other legal forum."

Therefore, following the principles of equity as well administration of justice, the instant petition merits and is allowed accordingly. As a result of petitioner shall be treated as a regular employee on the day when he completed five years as work charge employee, and all benefits including pension shall be awarded to the petitioner. Office shall communicate this order to all concerned.

The Executive Engineer, Public Health Engineering Division regularized his service w.e.f. 31.12.1996 and he retired from service on 09.05.2011 vide order dated 10.04.2018. The complainant solicited intervention of this Institution for payment of pension.

Proceedings

2. The complaint was admitted for investigation u/s 10 (3) of the Establishment of the office of Ombudsman for the Province of Sindh Act, 1991 (amended up to date) after receiving mandatory Affidavit on Form "A" and other relevant documents and by condoning the delay.

3. This office issued letter dated 12.06.2024 to the District Accounts Officer, Tando Muhammad Khan for report, who in response informed vide letter dated 06.08.2024 that the pension of Mr. Shafi Muhammad Soomro (complainant) was on Direct Credit System since July 2020 in pursuance to the orders of hon'ble court. He was paid the arrears of pension since his

(2)

date of retirement from 10.05.2011 to 30.06.2020 during the month of October-2020, amounting to Rs.355,609/-. The complainant applied for payment of Minimum Pension in January-2021 and he has also been paid differential arrears of minimum pension in the month of Feb-2021, amounting to Rs.343,809/- for the period from 09.05.2011 to 31.01.2021. His minimum pension was updated on the basis of calculation of A.G. Sindh and uploaded on SAP system. The additional arrears of pension as calculated by the A.G Sindh, amounting to Rs.248,434/- have been paid to the complainant on 01.12.2023 and enclosed the copy of pension credit slips as an evidence.

4. The agency's report was sent to the complainant for rejoinder vide letter dated 26.09.2023, followed by reminders but he did not respond. This office contacted the complainant on his cell No:0348-3629738 on 10.01.2025 but he did not attend.

Findings

5. On the intervention of this Institution, the grievance of complainant has been redressed by the agency.

Decision

6. In view of the above and in exercise of powers vested in me under section 11 of Establishment of the office of the Ombudsman for the Province of Sindh Act, 1991 (amended upto date), the complaint is disposed of as redressed.

Given under my hand and seal of the office



Sd /-
(MUHAMMAD SOHAIL RAJPUT)
Sitara-e-Imtiaz, PAS
Ombudsman Sindh

Karachi, dated 4th February, 2025