



## DECISION

Complaint No. : POS/3574/ROK-67/(Khp)/2022

Name and address of the complainant : Mr. Muhammad Bachal, S/o Ali Bux Behan,  
R/o Village Maula Bux Behan, P.O Bozdar Wada,  
Taluka Thari Mirwah, District Khairpur.

Name of the Agency Complained against : DAO Khairpur / PHED

Name & Designation of Investigating Officer : **AHMED BAKHSH GHUMRO,**  
Consultant / Incharge, Regional Office Khairpur

Vetted by : **Mr. Muhammad Misbah Tunio, Advisor-J**

Subject : **DELAY IN PAYMENT OF SERVICE DUES TO THE COMPLAINANT.**

### COMPLAINT

Mr. Muhammad Bachal Behan claiming to be employee of Public Health and Engineering Department (PHED) filed a complaint on 29-06-2022 that his service dues and monthly pension were not being paid to him. He urged for directing concerned officers of PHED to pay gratuity and monthly pension to him.

### PROCEEDINGS

02. The complaint was admitted u/s 10 of the Establishment of the office of Ombudsman for the Province of Sindh Act, 1991 (amended up to date), by condoning the delay in filing it, subject to submission of copies of relevant documents, Affidavit on Form "A" and a copy of CNIC.

03. After completion of codal formalities, the matter was taken up with District Accounts Officer, Khairpur on 19-07-2022 for comments. In response, the ADAO Khairpur reported on 03-10-2022 that copy of CNIC and I.D Number of the complainant should be provided, so that actual position could be reported after verification of the SAP System. Accordingly, the complainant was advised on 18-11-2022 to submit copy of CNIC and I.D Number to District Accounts Office Khairpur.

(Continued at P/2)



04. On 07-12-2022 the XEN, PHED-II Khairpur at Ranipur reported that they had paid salaries to complainant Muhammad Bachal Behan, Beldar through his Account No. BBA-0205115129 with Soneri Bank Ranipur. It was reported that complainant's services were not regularized. It was further reported that complainant and his colleagues filed C.P No. D-3588/2012 before Honorable High Court of Sindh Sukkur which ordered on 28-01-2014 that petitioners be treated at par with the petitioners of C.P No. D-3286/2011 in which Honorable High Court passed orders on 16-10-2012 for regularization of petitioners from the date they completed five (5) years of service. However, complainant attained the age of superannuation in 2015 before regularization of his colleagues in 2017. Hence, complainant was not entitled for service dues and monthly pension.

05. Agency's report was shared with complainant on 30-01-2023 for rejoinder. In response, the complainant submitted rejoinder on 01-06-2023 stating that he was paid only Rs. 145,000/-. So he urged for remaining dues.

06. Further comments were, therefore, called on 07-06-2023 from XEN, PHED-II, Khairpur at Ranipur on complainant's rebuttal. In response, the XEN, PHED-II, Khairpur at Ranipur on 21-07-2023 repeated his earlier report dated. 07-12-2022.

07. To arrive at logical conclusion, the matter was heard twice on 24-09-2024 & 08-10-2024 in presence of complainant and Rep. of XEN, PHED-II, Khairpur at Ranipur. The Rep. of XEN, PHED-II Ranipur produced list of 37 employee regularized in 2017 on the recommendations of a committee constituted by Secretary, PHED in accordance with judgement / order dated 25-11-2016 passed by the Honorable Supreme Court of Pakistan in CPs No. 12/2010 & 1309/2014. He informed that complainant having attained superannuation age in 2015, his services were not considered by the said committee for regularization.

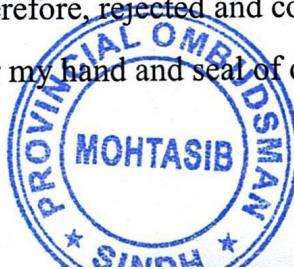
#### FINDINGS

08. From the above, it transpires that matter involving regularization of PHE daily wages employees was agitated before Honorable High Court of Sindh as well as Supreme Court of Pakistan. Finally, on the direction of Honorable Supreme Court of Pakistan dated 25-11-2016, a committee was constituted by the PHE Department which, after scrutinizing the cases of department's daily wages employees, recommended regularization of 37 employees in 2017. Complainant Muhammad Bachal Behan attained age of 60 years in 2015 so his case for regularization was not considered by the said committee. Hence being daily wages employee, complainant was not entitled for pensionary benefits.

#### DECISION

09. The complaint is, therefore, rejected and consigned to record.

"Given under my hand and seal of office"



**Sd /-**

**(Muhammad Sohail Rajput)**  
**Sitara-e-Imtiaz. PAS**  
Ombudsman, Sindh  
Karachi, dated 11/11/2025