



DECISION

Complaint No. : POS/2354/KHE(b)-285/16

Name and Address of the Complainant : Dr. Aqeel Ahmed, B-84, PCSIR Housing Society, Gulzar-e-Hijri, Karachi.

Name of the Agency Complained against : University of Karachi

Name & Designation of Investigation Officer : Syed Farrukh Habib
Director, Regional Office, Karachi (East)

Subject :- **DELAY IN PAYMENT OF PENSION AND OTHER SERVICE DUES TO THE COMPLAINANT WHO RETIRED FROM SERVICE ON 12.03.2016.**

THE COMPLAINT

Dr. Aqeel Ahmed in his complaint dated 09.08.2016 stated that he served as Professor in the Department of Microbiology, University of Karachi and retired as Tenured and Meritorious Professor (B-22) from Government Service on attaining the age of superannuation on 12.03.2016. He stated that he applied to the University of Karachi for payment of pension, commutation and provident funds four months ago and reminded them several times both verbally and in writing but no action has been taken as yet by any office of University. He further stated that Chief Accountant, University of Karachi and the Auditor have objected on his pension case that TTS – Tenure Track Service faculty could not be allowed to contribute to Provident Fund as per HEC directives. The complainants stated that against this argument he submitted an application before the Vice Chancellor that HEC approved model tenure track process statute, under which he was appointed provides pension benefits for the eligible existing faculty members working under TTS. The delay in payment of his pension and other benefits, he stated, was also against the orders of Honorable Supreme Court. This attitude on part of Karachi University, he stated, amounts to contempt of Hon. Supreme Court. He, therefore, solicited our intervention for resolution of his grievance.

PROCEEDINGS

2. After admitting the complaint under Section 10 of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991, (amended up to date) and after receiving mandatory Affidavit on Form "A" and other relevant documents, report was called from the Agency. In response the Registrar, University of Karachi vide letter dated 11.08.2016 informed that Pension / Commutation in respect of Dr. Aqeel Ahmed has been finalized. He furnished office order dated 11.08.2016 regarding sanction of pension and 35% commutation to Dr. Aqeel Ahmed, who retired on superannuation w.e.f. 12.03.2016.

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3. Subsequently, Registrar, University of Karachi vide letter dated 05.09.2016 reported that the application of Dr. Aqeel Ahmed was firstly received in his office on 25.03.2016 regarding the calculation and release of pension upon which the working started in the very next month. The report stated that due to dispute of petitioner's TTS service, calculation of pension and commutation took some time and after necessary audit and accounting procedures, Office Order No. E/SB(T)/Microbiology/2016-628 dated 11.08.2016 for final payment was issued to him. The report identified that complainant's case was prepared in light of guidance provided vide letter No F.P.Z-103/HEC/2013-14/826 dated March 31, 2014 received from Mr. Samar Sibtain, Assistant Director Finance, HEC, Islamabad which says that ***deduction on account of contribution to provident fund or benevolent fund cannot be made from Tenure Track faculty who switched over from BPS to TTS or directly appointed on TTS.***

4. As regards the contention of the petitioner regarding pension benefits of TTS faculty members as per Annexure 'D' of Model Tenure Track Statutes of HEC, it clarified that this annexure does not pertain to pension benefits and actually pertains to house requisition. Since the above said version of model Tenure Track did not contain any information related to pension, the University sought clarification from HEC, whereby Higher Education Commission vide letter No. DG/QA/HEC/TTS-120)B/ALL/06/2010/464 dated June 21, 2010 informed that "**the faculty of TTS may not be entitled for two benefits simultaneously viz one gratuity for every yearly service under TTS and counting of the TTS service for pension**". The Registrar informed that in the light of the letter of HEC, a summary has been prepared and placed in the agenda of the next meeting of the Syndicate scheduled to be held on 07.09.2016 for final decision in this regard.

5. The Investigating Officer, fixed the case for hearing on 08.06.2017, 01.08.2017, 03.10.2017, 08.11.2017, 27.11.2017 and 17.06.2021 when the complainant, Mr. Muhammad Akram, Deputy Registrar and Mr. Adnan Barki, Accounts Officer (PF), University of Karachi appeared. The Accounts Officer, filed his report dated 16.06.2021 which was taken on record. He informed that complainant did not apply for payment of provident fund (PF). However, he assured to release PF after completion of formalities within one month. The complainant confronted that he had already submitted many requests to University of Karachi in this regard but no action was taken. He assured to complete the formalities of PF as required by Karachi University. As regards payment of arrears on account of TTS, the Deputy Registrar, sought time to re-examine the case and assured to furnish detailed report in this behalf.

6. Later, the Registrar, University of Karachi vide letter dated 25.06.2021 informed that the matter regarding payment of provident fund and pension to TTS faculty was placed before the Syndicate in its meeting held on September 7, 2016 under resolution No.11. The nominee of the HEC informed the Syndicate that he would provide new rules of HEC which should be considered in next meeting of the Syndicate. Consequently, the Syndicate placed the issue in next meeting for consideration of new HEC rules for TTS. Consequently, letter No .AF 30 (1),30(2)/2016 dated 25.11.2016 was sent to Prof. Dr. Ghulam Raza Bhatti, Higher Education Commission, Islamabad for providing HEC's rules regarding

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provident fund and pension in respect of Tenure Track Faculty. The matter was placed along with letter of HEC dated 20.06.2010 before the Syndicate under item No. 8 in its meeting on dated 29.12.2016. The syndicate deliberated upon counting of TTS service for pensionary benefits, in the light of the letter of HEC dated 20.06.2010, and did not approve counting of TTS service for pensionary benefits. It further informed that full & final payment of provident fund with interest has been paid to complainant Dr. Aqeel Ahmed, Meritorious Professor (Retd.) vide cheque No.150550808 dated 21.06.2021 amounting to Rs. 3,397,774/-.

7. The complainant in his rejoinder dated 27.09.2021 stated that Registrar, University of Karachi was misguiding the Ombudsman Office by providing incomplete and irrelevant information. University Authorities, he alleged, were penalizing retired employees by retaining their dues for long periods. In his case University of Karachi released pension after six months and provident fund after five and a half years. In both cases, he stated, that only partial amounts were released that too on the intervention of Ombudsman Office. He reiterated his stance that any rules framed prospectively in 2020 or 2021 could not be applied retrospectively on cases (like his) who was appointed in November 2011 (through) TTS 2007. He urged to resolve all issues and pay his service dues by counting his TTS Service period as well, towards the length of his service, to calculate his pensionary benefits and provident fund including up to-date profit as applied thereon with reasonable compensation.

FINDINGS

8. I have examined the case file and perused correspondence, reports and rejoinders etc., and found that complainant had already been paid his pension and commutation by the University in August 2016. Thereafter, as a result of intervention in the matter complainant further received his provident fund to the tune of Rs. 33,97,774/-. As regards the urge by complainant for counting period of his service rendered under Tenure Track System, to calculate his pension and provident funds, the University syndicate deliberated upon the same, as well as consulted with HEC and finally did not approve the counting of TTS Service towards pensionary benefits. Therefore, no case of mal-administration has been found on part of the Agency except that there was unreasonable delay in payment of Provident Fund to him.

DECISION

9. In view of the above, the complaint is disposed of as partly redressed. However, the complainant is at liberty to seek remedy through proper forum with respect to his grievance of grant of pensionary benefits under Tenure Track System. Furthermore, the Vice Chancellor, University of Karachi is directed to ensure timely payment of service dues to all its retired employees as per applicable policy.

Given under my hand and seal of the office



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

Karachi, dated 22nd January, 2025