



## DECISION

Complaint No. : POS/1014/2021/11/KHS

Name and address of the complainant : Mst. Nasreen Wd/o Bashir Ahmed, R/o 4<sup>th</sup> Floor, Naqeeb-e-Manzil, H.No. 10, Street No. 08, Mohalla Nayabad Kara Bhai, Karim Jee Road, Block-B, Karachi.

Name of the Agency Complained against : Social Welfare Department

Name & Designation of Investigating Officer : Syed Maqsood Haider, Director, Regional Office South Karachi

Vetted by : Rehana Ghulam Ali Memon, Advisor-II

Subject :

**APPOINTMENT OF SON OF THE COMPLAINANT AGAINST DECEASED QUOTA AND PAYMENT OF SERVICE DUES IN RESPECT OF HER HUSBAND WHO IS MISSING SINCE OCTOBER 1999.**

### THE COMPLAINT:

Mst. Nasreen filed a complaint on 22-02-2021, stating that her husband, Mr. Bashir Ahmed, served as a Naib Qasid in the office of the Assistant Director, Social Welfare, SITE Town, Government of Sindh, Karachi, from 31-07-1990 until he went missing on 25-10-1999. She stated that he never returned home, and more than 22 years have passed without any information regarding his whereabouts. She requested for release of all pending service benefits, including Group Insurance and Financial Assistance, and the appointment of her son on Deceased Quota in place of her missing husband. The complainant has solicited the intervention of the Provincial Ombudsman Sindh in this matter.

### PROCEEDINGS:

2. The complaint was admitted under Section 10 of Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991 (amended up to date), by condoning delay, subject to submission of mandatory affidavit on Form 'A' and relevant documents. The complainant submitted the necessary documents.

3. The matter was taken up with the agency for comments / report. In response, the Director General, Social Welfare Department, submitted a report dated 28-10-2021, enclosing an inquiry report by Mr. Nisar Ahmed Solangi, Director (Admn). It was stated that Bashir Ahmed was appointed as Naib Qasid on 31-07-1990 and remained absent from duty since 26-10-1999, hence served 09 years and 03 months. A Non-Cognizable (NC) report was registered at P.S. Gadap Malir on 04-11-1999, but no FIR was lodged, and neither the police nor the family made serious efforts to trace him or have him declared deceased. The service book is not available, only photocopies of some initial documents exist. He further stated that as per policy, deceased quota is applicable only when the employee is officially declared dead.

(2)

**FINDINGS:**

4. In light of the available records and the departmental reports, it is established that:

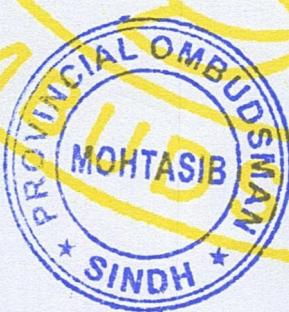
- (i) Mr. Bashir Ahmed, Naib Qasid, has been missing since 25-10-1999. A Non-Cognizable (NC) report was filed at Police Station Gadap Malir, however, no FIR was registered and no legal action was taken by the family to have him declared deceased under Article 124 of the Qanun-e-Shahadat Order, 1984, which allows such a presumption after seven years of unexplained absence. There is a need for judicial declaration of death and thereafter, the complainant can submit her case to the Social Welfare Department for payment of service dues. The complainant's husband may not be entitled for pension as his service is less than ten years.
- (ii) The appointment against deceased quota has been discontinued since October, 2024 on the order of the Supreme Court of Pakistan, hence the complainant's request cannot be entertained.

**DECISION:**

5. 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 (amended upto date), I hereby dispose of the complaint accordingly.

6. The complainant is ~~a~~ liberty to approach the court of law to obtain a judicial declaration of death of her husband and then pursue the department for dues.

*Given under my hand and seal of office*



Sd/-

Muhammad Sohail Rajput  
Sitara-e-Imtiaz. PAS  
Ombudsman Sindh

Karachi, dated 17<sup>th</sup> June, 2025