



DECISION

POS/3068/KR-65/2024

Complaint No. :

**Name and address
of the complainant :**

Dr. Sajida Siddiqui, R/o House No.105, Block-2, Street No.11,
Makhdoom Bilawal Cooperative Housing Society, Korangi, Karachi.

**Name of the Agency
complained against :**

Dr. Ruth Pfau Civil Hospital, Karachi.
Health Department, Government of Sindh

**Name & Designation of
Investigating Officer :**

Mr. Iqbal Nafees Khan
Advisor/Director, Regional Office, Korangi, Karachi

Subject :-

**DELAY IN PAYMENT OF PENSION AND OTHER RETIREMENT
DUES TO THE COMPLAINANT BY DR. RUTH PFAU CIVIL
HOSPITAL, KARACHI**

THE COMPLAINT

Dr. Sajida Siddiqui filed a complaint on 26.06.2024 stating that while serving as Women's Medical Officer at Civil Hospital Karachi, she was allotted a flat on the Ground Floor of Lohani Building adjacent to Urdu College, Chand Bibi Road, Karachi. The property, owned by the Evacuee Trust Property Board (ETPB), was leased to Civil Hospital to accommodate emergency medical staff and doctors due to its convenient location. Later, the FIA took possession of the building for its return to ETPB. The complainant, along with other allottees, formally handed over possession to the FIA in the presence of Dr. Nasrullah Memon, the Acting Medical Superintendent / Addl. M.S. (Estate) under proper mushirnama.

2. Dr. Siddiqui retired from service on 08.09.2022. However, despite repeated requests, her pensionary dues remain unpaid under various pretexts. She had approached the concerned authorities for assistance, but her issue remains unresolved. Therefore, she has sought the intervention of this office for the redressal of her grievance.

PROCEEDINGS

3. The complaint was referred to the Medical Superintendent (M.S.) of Dr. Ruth K.M. Pfau Civil Hospital Karachi via a letter dated 18.07.2024, directing him to submit a detailed report and attend a hearing scheduled for 31.07.2024. However, the M.S. failed to comply. The matter was subsequently adjourned to 13.08.2024, 03.09.2024, and finally to 24.09.2024, but Dr. Syed Muhammad Khalid Bukhari, Medical Superintendent of Dr. Ruth K.M. Pfau Civil Hospital Karachi, did not respond.

4. To ensure his attendance, a summon was issued on 25.09.2024, requiring his appearance on 02.10.2024. Despite this, he failed to appear and submitted a written statement through Dr. Nasrullah Memon, Additional M.S. (Estate).

5. In his statement, the M.S. contended that the complainant, Dr. Sajida Siddiqui, was not entitled to a No Dues Certificate (NDC) as she failed to vacate a flat within ETPB property allocated to Civil Hospital, despite receiving notices. He further asserted that her continued occupancy of the property caused operational difficulties for the hospital and delayed the issuance of the NDC. Additionally, the M.S. claimed that financial liabilities related to her occupancy of the flat remained unpaid, making her ineligible for the NDC.

6. Additionally, he stated that the complainant's involvement in C.P. No.1689/2017 against the hospital, without notifying the administration, undermined the hospital's position regarding the property and exacerbated the disputes. He further alleged that the complainant had handed over the flat to a third party instead of returning possession to the hospital. In light of these issues, the hospital was planning to file a petition against the ETPB, illegal occupants, and the complainant to recover damages.

7. At the hearing held on 02.10.2024, Dr. Nasrullah Memon, Additional M.S. (Estate), appeared and submitted a statement under oath. He confirmed that the FIA had summoned the M.S. on 05.07.2023 vide letter No. FIA/SPCK/ENQ No.58/2021, following which the M.S. nominated him through a letter dated 13.07.2023 to represent him in the inquiry.

8. Dr. Memon stated that the property, rented by the hospital from the ETPB, had been allotted to Dr. Talat Memon, Dr. Noshaba Mukhtiar, and the complainant, Dr. Sajida Siddiqui. He affirmed that the complainant, along with other occupants, had handed over possession of the property to the FIA in his presence and that the FIA subsequently transferred it to the ETPB. While acknowledging that the complainant had cleared her utility and rental bills, Dr. Memon asserted that outstanding dues for conveyance allowance and maintenance charges remained unpaid.

9. Copies of the statements submitted by the M.S. and the Additional M.S. were provided to the complainant for her rejoinder. In response, the complainant contested the M.S.'s claims, asserting that she had already handed over possession of the property to the ETPB through the FIA in the presence of the Additional M.S. (Estate). She further argued that the hospital had never previously raised any claims regarding outstanding dues. If such dues existed, she contended, it was the hospital's responsibility to issue a notice and formally demand payment.

FINDINGS

10. In light of the statement by the Additional Medical Superintendent (Estate), corroborated by the available records, the statement submitted by the Medical Superintendent (M.S.) of Dr. Ruth K.M. Pfau Civil Hospital Karachi appears to be biased. The evidence demonstrates that the complainant, along with other allottees, handed over possession of the disputed property to the Federal Investigation Agency (FIA) in the presence of the Additional M.S. (Estate), the authorized representative of the M.S., who duly signed the *mushirnama*.

11. The allegations of misconduct against the complainant are unfounded. If the Civil Hospital management deemed the act of handing over possession to be misconduct, it should have initiated appropriate proceedings against the complainant and other allottees during their tenure at the hospital. The management's failure to take timely action over several years reflects its negligence. Furthermore, if the complainant had any outstanding dues towards hospital it was the responsibility of the hospital management to formally notify her and ask for payment. The lack of such communication further highlights administrative shortcomings.

12. The established policy guidelines of the Government of Sindh and judgments from various Hon'ble courts underscore that pensionary benefits for retirees must not be delayed. Relevant part order of Apex Court passed in Cr. Misc. Application No.226/2006 is reproduced below:

"We therefore direct that all the Government Departments Agencies and Officers deployed to serve the general public within the limit by the Constitution as well as by law shall not cause unnecessary hurdle or delay in finalizing the payment of Pensionary/ Retirement benefits cases in future and violation of those directions shall amount to criminal negligence and dereliction of the duty assigned to them....

We also direct that in future if there is any delay in the finalizing of the pension benefits cases of the government servants, widow or orphan children and matter is brought to the notice of this Court, the head of the concerned department shall also be held liable for the contempt of the Court and shall be dealt with strictly in accordance with law."

13. The persistent nonappearance of the Medical Superintendent from proceedings before the investigation officer, despite multiple notices and summons, caused significant hardship to the complainant and obstructed the delivery of administrative justice by this office. The intentional delay in finalizing the pension case and the conduct of Dr. Syed Muhammad Khalid Bukhari, Medical Superintendent, Civil Hospital Karachi, tantamount to dereliction of duty and a failure to comply with the orders of the Hon'ble Supreme Court of Pakistan.

DECISION

14. Given the foregoing and exercise of the powers vested in me under Section 11 of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991, I direct as follows:

- i) Details of outstanding dues against the complainant shall be communicated to her for payment. Upon settlement of such dues, the concerned authority at Dr. Ruth K.M. Pfau Civil Hospital Karachi shall issue a No Dues Certificate to the complainant without further delay.
- ii) The Medical Superintendent, Dr. Ruth K.M. Pfau Civil Hospital Karachi, shall immediately finalize and ensure the disbursement of the complainant's pension and other retirement benefits.
- iii) The Secretary, Health Department, Government of Sindh, shall ensure strict compliance with this decision and its timely implementation.
- iv) The Secretary, Health Department, Government of Sindh, is further directed to initiate disciplinary proceedings against the officers responsible for the undue delay in disbursing the complainant's retirement benefits.
- v) A detailed compliance report on the actions taken shall be submitted to this office within 30 days of receiving this order.

Given under my hand and seal of office.



- Sd \-

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

Karachi, dated the **11-12-2024**