



DECISION

Complaint No.	:	POS/408/2023/DG-I
Name and address of the complainant	:	Mr. Zaffar-u-ddin, Quarter No.4, R.C, Veterinary Hospital, M.A.Jinnah Road, Karachi.
Name of the Agency Complained against	:	Karachi Development Authority (KDA).
Name & Designation of Investigating Officer	:	(i) Mr. Asad Ali Khan, Director General-I. (ii) Mr. Masood Ishrat, Registrar
Vetted by	:	
Subject	:	<u>ALLEGED DELAY IN PAYMENT OF SERVICE DUES TO THE COMPLAINANT WHO HAD RETIRED ON 27.03.2022.</u>

THE COMPLAINT

Mr. Zafaruddin filed a complaint dated 06.01.2023 stating that he had retired as Deputy Secretary (BS-18) from Karachi Development Authority on 27.03.2022 and despite repeated approaches his post retirement dues have not been paid, hence he has approached this office for intervention in the matter.

PROCEEDINGS

2. At the very outset, the complaint was examined thoroughly to ascertain whether it was a service matter, since in such cases the jurisdiction of this Office is prohibited under Section 9(2) of the Act, 1991. However, after being satisfied that the complaint was regarding maladministration on the part of Agency, 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 delay and after receiving mandatory affidavit on Form "A" and other relevant documents, taken up with the Agency.

3. The Director Finance & Accounts, KDA, vide letter dated 03.03.2023, has confirmed that an amount of Rs.11,234,310/- is outstanding on account of Pension Commutation, Leave Encashment and Final payment of Contributory Provident Fund (C.P. Fund).

4. It has also been reported that the Karachi Development Authority (KDA) is facing acute financial crisis and on receipt of awaited Special Grant-in-Aid of Rs.500 million from Government of Sindh, dues of the complainant and other retired employees would be cleared.

5. To thrash out the matter, several hearings were held where the issue was discussed at length. The Director (Finance & Accounts), KDA, expressed his inability to make payment in lumpsum due to financial constraints and again deposed that after release of grant in-aid from Government of Sindh, the liabilities of the complainant would be cleared. The representative of the Agency failed to respond satisfactorily to the query about use of funds deducted from salaries of the employees under various heads including C.P. fund, etc.

6. In its subsequent replies the Agency vide letters dated 09.09.2024 and 08.10.2024 intimated that so far an amount of Rs.31,00,000/- has been paid to the complainant in instalments whereas Rs.81,34,310/- are still payable. The Agency again emphasized that such liabilities would be cleared on receipt of grant-in-aid from Government of Sindh, which is currently deferred by the Provincial Cabinet for want of certain clarifications.

7. Last hearing in the matter was held on 26.11.2024, when Mr. Muhammad Shamim, Deputy Director (Funds) and Mr. Sameer Imam, Assistant Accounts Officer, KDA appeared. They while adhering to their earlier instance verbally deposed that due to financial constraints being faced by KDA for almost last two decades, the employees were being paid net salaries and nothing was being deposited in the pension or other accounts including Contributory Provident Fund (C.P. Fund). They again expressed inability for payment of service dues in lump-sum till release of Grant in aid from Government of Sindh and consented to clear the dues in monthly installments.

8. During the proceedings of the instant case another identical complaint dated 30.8.2024, filed by Mr. Abdul Shakoor (admitted vide POS/3864/2024/DG-I) was also discussed. The representative of the Agency admitted that an amount of Rs.10,561,448/- was outstanding on account of Pension Commutation, Final payment of C.P. Fund & Pension arrears and consented that the incumbent would also be paid his admissible dues in monthly installments.

FINDINGS

9. I have examined the cases and the documents placed on record. It is an admitted fact that the complainants and other employees have been waiting for their legitimate service dues despite lapse of years. The amounts deducted from salaries of the employees against various heads are not being deposited in the relevant head of accounts due to financial constraints and are probably being utilized for other purposes, which resulted in non-payment of admissible pensionary dues timely to the retired employees of KDA. It is also an admitted fact that being an autonomous body the Agency has not chalked out any

tangible action plan to address this serious and longstanding issue and persistently relying upon on the release of Gran-in-Aid from Government of Sindh for the clearance of these outstanding service dues to all retired employees of KDA. Thus, act of mal-administration has been established on the part of Agency.

DECISION

10. In view of the above, and in exercise of powers vested in me u/s. 11 of the Establishment of the Office of Ombudsman for the Province of Sindh Act 1991 (amended up to date), I hereby direct the Director General, K.D.A, to:

- i. Ensure credit of funds, deducted from salaries of the employees, on account of C.P. fund contribution and other such heads in the relevant head of accounts, such funds shall not be utilized for any other purpose;
- ii. Ensure payment of dues of C.P. Fund to the complainants and other retired employees immediately after their retirements, as the same was being deducted from their respective salaries;
- iii. Make payment of remaining pensionery dues to both the complainants in twelve (12) equal monthly installments under intimation to this office by 15th of each month.

11. This also disposed of the complaint filed by Mr. Abdul Shakoor and registered No. POS/3864/2024/DG-I.

Given under my hand and seal of this office

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

Karachi, dated 26th December, 2024