



DECISION

Complaint No.:

POS/2701/2024/Adv-Z

Name and address
of the complainant :

Mst. Asma Rani,
Flat # 109, Mobile Market,
Paposh Nagar, Nazimabad, Karachi.

Name of the Agency
Complained against :

Health Department

Name & Designation of
Investigating Officer :

Fasihuddin Khan,
Advisor 'Z'

Subject :-

**COMPLAINT AGAINST NON-GRANT OF
PENSION AND SERVICE DUES OF DECEASED
HUSBAND OF THE COMPLAINANT BEING HIS
SECOND WIFE**

THE COMPLAINT

Mst. Asma Rani wd/o Dr. Jamal Abdul Nasir, Ex-Additional Medical Superintendent (BS-19), filed her complaint on 17.05.2024 against the Health Department regarding non-grant of pension and service dues of her deceased husband being his second wife. She further explained that the deceased doctor's first wife Mst. Shaista Jamal received all the dues including pension fraudulently whereas the complainant and her daughter were deprived of their share. After coming to know about the occurrence, she approached the concerned officers of the Health Department and A.G. Sindh but nothing has been done by them to resolve her problem. She, therefore, solicited our intervention in the matter for redressal of her grievance.

PROCEEDINGS

2. The complaint was admitted u/s 10 of the Establishment of the Office of Ombudsman for the province of Sindh Act, 1991 (amended upto date) by condoning the delay. After completion of mandatory requirements, the matter was referred to the Secretary, Health Department and A.G. Sindh for report vide this office letter dated 11.06.2024. In response, the Section Officer-I (H) submitted letter No.SOI(H)P-25/93 dated 25.06.2024 stating therein that Dr. Jamal Abdul Nasir, Ex-Additional MS, Sindh Government Hospital, Karachi-5 had retired from the Government Service on 26.05.2023 and was allowed the benefit of encashment in lieu of LPR equal to 365 days. After retirement he expired on 21.06.2023. The papers pertaining to pension and other

retirement dues in favour of Mst. Shaista Jamal widow of Dr.Jamal Abdul Nasir were sent to the A.G. Sindh as prepared by the MS Sindh Government Hospital, Korangi No.5 on the basis of Heirship certificate issued by Assistant Commissioner, Gulzar-e-Hijri (Scheme-33), Karachi East. Second wife of the deceased doctor Mst. Asma Rani, neither approached the Health Department nor her name was included in the heirship claim and the entire process was completed with the approval of competent authority. On the other hand, A.G. Sindh office reported vide letter dated 25.07.2024 that said pension case was finalized as per family pension papers submitted through "Pension Sanctioning Authority" which contained the family pension papers of only one widow Mst. Shaista Jamal.

3. A copy of Agency's report dated 25.06.2024 was forwarded to the Assistant Commissioner, Karachi East for justification as to why and under what circumstances allegedly wrong heirship certificate was issued by him. In response, he submitted vide his letter dated 24.07.2024 that the said Heirship certificate was issued on the request of Mst. Shaista Jamal in the month of September 2023 after fulfillment of all the codal formalities on the basis of family registration certificate (FRC) provided by the applicant which clearly establishes the family tree, confirming no other heirs of the deceased besides those mentioned in the FRC.

4. In order to resolve the issue, hearing was fixed on 15.08.2024 attended by all the parties. After detailed discussion it was agreed that the Assistant Commissioner, Karachi East will issue a revised heirship certificate mentioning the names of all the heirs of deceased Dr. Jamal Nasir correctly followed by further necessary action by the Health Department as well as the A.G. Sindh Office to resolve the grievance of the complainant.

5. The matter was followed up vigorously through letters and telephone calls to the concerned officers. Subsequently, the A.G. Sindh office informed vide letter dated 07.11.2024 that on submission of revised heirship certificate, pension has accordingly been rectified with effect from 01.10.2024 allowing pension to both widows as per their legal share (Asma Rani = 37.50%, Shaista Jamal = 62.50%). It was further reported that due

(3)

to incorrect Heirship, excess payment has been made to Mst.Shaista Jamal as per following detail.

S. No.	Particulars	Amount (Rs.)
1.	Pension Arrears	119,826
2.	Monthly Pension	283,585
3.	Commutation	949,222
4.	Encashment	485,397
5.	GPF	648,617
Total		2,486,647

The above excess payment is recoverable from Mst. Shaista Jamal and Health Department has been requested to provide pay order drawn in the name of the Secretary, Finance Department, Government of Sindh, Karachi, for disbursement to Mst. Asma Rani.

6. The above letter was handed over to the S.O. I (H) with the direction to take immediate necessary action and submit a conclusive report. In response, the S.O-I (H) informed vide letter dated 13.01.2025 that both the widows of late Jamal Abdul Nasir appeared before the Special Secretary (Admn) on 09.01.2025 and willingly agreed for an amicable settlement of the issue between them within the family. Accordingly they submitted written statements whereby it was mutually settled that the first wife of late Jamal Abdul Nasir, Mst. Shaista Jamal will pay the share of 2nd wife Mst. Asma Rani after deduction of two lacs from the actual amount of Rs.2486,647/- of pension dues of their deceased husband. In the light of this letter of the Health Department and to finalize the matter, hearing was held by the Investigating Officer on 20.01.2025 attended by the SO-I(H) and both the widows. During the hearing, it transpired that the complainant being second wife of late Dr. Jamal Abdul Nasir accepted to receive Rs.2 lacs less from her actual share in the dues because this much amount had already been spent by the first wife on the complainant. Accordingly, a cheque of Rs.2286,647/- was handed over to the complainant. She was fully satisfied with the entire process and expressed her gratitude to this Institution for resolving her grievance in writing also vide statement dated 20.01.2025.

7. Afterwards, the complainant appeared before the Investigating Officer on 29.01.2025 and confirmed in writing that an amount of Rs.2286,647/- has been transferred to her bank account. However, she further pointed out that amounts pertaining to State Life Group Insurance and Benevolent fund are still recoverable and payable to her by the first wife Ms. Shaista Jamal.

FINDINGS

8. In the light of above proceedings and the scrutiny of relevant record it is established that :

- (i) Dr. Jamal Abdul Nasir, an employee of the Health Department, Government of Sindh who expired on 21.06.2023 had solemnized two wives namely Mst. Shaista Jamal (first wife) and Mst. Asma Rani (second wife).
- (ii) After expiry of Dr. Jamal Abdul Nasir, his first wife fraudulently managed to receive all the retirement benefits of her deceased husband depriving the complainant being his second wife from her due share of the amount.
- (iii) Both Health Department and the A.G. Sindh Office failed to detect or prevent the said fraud due to non availability of any detective mechanism.
- (iv) In another case of similar nature under complaint No.POS/1959/2021/Adv-Z, the A.G. Sindh was directed vide our decision dated 15th August, 2023 to take necessary steps for integration of Central Data Base (CDB) of the employees with NADRA Family Link System so as to avoid such occurrence in future. It is obvious that due to non-installation of such system, the A.G. Sindh office could not prevent the instant occurrence.
- (v) With the intervention of this Institution, main grievance of the complainant has been resolved and she has been paid her due share of pension, commutation, encashment and GPF as calculated by the A.G.Sindh.
- (vi) The complainant's share from the Benevolent Fund and Group Insurance as drawn by Mst. Shaista Jamal is yet to be recovered and paid to her.

DECISION

9. In view of the above and in exercise of the powers vested in me u/s 11 of the Establishment of the office of Ombudsman for the Province of Sindh Act 1991, I do hereby direct the Secretary, Health Department, Government of Sindh to recover from Mst. Shaista Jamal the remaining share of the complainant in State Life Group Insurance and Benevolent Fund and ensure its payment to her under intimation to this office within 45 days. Also the Accountant General Sindh is again directed to ensure the integration of Central Data Base (CDB) of the employees of the Government of Sindh with NADRA Family Link System and report compliance within 45 days.

The complaint is disposed of as partly redressed.

Given under my hand and seal of office.

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

Karachi, dated 18th March, 2025

