

Government of Pakistan
Finance Division
(Regulations Wing)

No. F.13(13)-Reg.6/2011-

Islamabad, the 21st January, 2013

OFFICE MEMORANDUM

Subject: - ORDER PASSED IN APPEAL NO. 887 TO 890, 912 TO 915, 922 TO 925 & 930 TO 934 (R) CS-2011, 1166, 1265, 1416 TO 1420, 1455, 1575 & 1794 (R) CS-2011 FILED BY MIRZA MUHAMMAD ISHAQUE, GHULAM MUSTAFA & OTHERS VS MINISTRY OF FINANCE.

The undersigned is directed to say that M/s. Mirza Muhammad Ishaque, Ghulam Mustafa & others filed appeals in the Federal Service Tribunal, Islamabad praying that the respondents may be directed to allow all increases sanctioned by the Government of Pakistan during the period from their retirement till restoration of commuted portion of pension with all consequential benefits. The Federal Service Tribunal accepted the appeals vide its Judgment dated 05.01.2012 and directed to determine the pension of the appellants from the date of restoration of their commuted pension at the rate at which they were drawing 50% remaining pension and that the arrears should also be paid to them. It was also clarified by the Federal Service Tribunal that the appellants shall not be entitled to claim arrears for the period prior to restoration of their commuted pension. The Supreme Court of Pakistan vide its order dated 24.4.2012 in Civil Petition No. 549 to 559 & 575 to 589 of 2012 upheld the judgment of Federal Service Tribunal dated 05.01.2012. The Review Petition filed by the Finance Division in the Apex Court was dismissed on 13.09.2012 due to non prosecution. Civil Misc. application for restoration of review petition was also dismissed by the Supreme Court of Pakistan on 16.11.2012.

2. Similarly, M/s. Abdus Saeed Sabir and M.M. Malik filed writ petitions No. 4968/Writ/2011 and 3463/Writ/2011 in the Lahore High Court, Lahore on the same subject. The Lahore High Court, Lahore vide its orders dated 15-06-2011 and 20-08-2011 accepted the writ petitions.

3. Finance Division intends to file a Constitutional Petition before the Honorable Supreme Court of Pakistan under Article 184(3) of Constitution of the Islamic Republic of Pakistan to revisit its Judgment dated 24.04.2012.

4. In the meanwhile, the Government has decided to implement the Judgment passed by Federal Service Tribunal on 05.01.2012 and upheld by the Honourable Supreme Court of Pakistan vide its Judgment dated 24.04.2012 in respect of the litigants in the above referred appeals and writ petitions subject to the condition that if the constitutional petition filed by the Government is accepted by Apex Court, the Government would recover the amount of increases in pension on restored portion of pension being allowed to the appellants/petitioners through this O.M. The beneficiaries of this O.M. are required to furnish an undertaking on Judicial Paper for Rs.50/- as per enclosed format, to the concerned Accounts Officer.


(MUHAMMAD KHALIL)
Section Officer (Reg.6)

ALL MINISTRIES/DIVISIONS/DEPARTMENTS

Copy also forwarded for information to:

1. President's Secretariat (Public), Islamabad.
2. President's Secretariat (Personal), Islamabad.
3. Prime Minister's Secretariat (Internal), Islamabad.
4. Prime Minister's Secretariat (Public), Islamabad.
5. National Assembly Secretariat, Islamabad.
6. Senate Secretariat, Islamabad.
7. Election Commission of Pakistan, Islamabad.
8. Supreme Court of Pakistan, Islamabad.
9. Federal Shariat Court, Islamabad.
10. AGPR, Islamabad/Lahore/Peshawar/Karachi/Quetta.
11. Pakistan Mint, Lahore.
12. Auditor General of Pakistan, Islamabad.
13. Federal Public Service Commission, F-5/1, Agha Khan Road, Islamabad.
14. Capital Development Authority, Islamabad.
15. Cost Accounts Organization, Islamabad.
16. Military Accountant General, Rawalpindi.
17. Central Directorate of National Savings, Islamabad.
18. Chief Accounts Officer, M/O Foreign Affairs, Islamabad.
19. Financial Adviser and Chief Accounts Officer, Pakistan Railways, Lahore.
20. All Financial Advisers/Deputy Financial Advisors attached to Ministries/Divisions etc and all officers of Finance Division.
21. Secretariat Training Institute, Islamabad.
22. Federal Tax Ombudsman's Secretariat, Islamabad.
23. DG Post Offices, Islamabad.
24. Office of the Chief Commissioner, Islamabad.
25. Secretary, Wafaqi Mohtasib (Ombudsman)'s Secretariat, Islamabad.
26. Pakistan Atomic Energy Commission, Islamabad.
27. All Chief Secretaries/Finance Secretaries of the Government of Punjab/Sindh/ Khyber Pakhtun Khwa/Baluchistan & Azad State of Jammu & Kashmir.
28. Directorate General of Inspection & Training, Customs & Central Excise, 8th Floor, New Custom House, Karachi.
29. Policy Research Wing, Prime Minister's Secretariat, Islamabad.
30. National Accountability Bureau, Islamabad.
31. Intelligence Bureau, Islamabad.
32. Member (Finance), KRL, P.O.Box.No.1384, Islamabad.
33. Controller General of Accounts, Islamabad.
34. Governor, State Bank of Pakistan, Karachi.
35. President, National Bank of Pakistan, Karachi.
36. All the appellants/petitioners mentioned in this O.M.


(Muhammad Khalil)
Section Officer (Reg.6)

UNDERTAKING

I _____ s/o

_____ is ex-employee of
_____ and was retired on _____.

Now I am receiving my pension vide P.P.O. Number _____ from
_____.

2. That I am claiming increases in pension in the light of the order passed by Federal Service Tribunal/High Court dated _____ in appeal/petition No. _____ . Now Ministry of Finance vide O.M. No. 13(13)-Reg.6/2011 dated _____ intends to release the payment in my favour.

3. I am giving this undertaking in favour of _____ with my free consent and without any undue coercion that if the decision of Federal Service Tribunal/High Court/Supreme Court regarding the grant of increases in pension from the date of restoration of commuted pension @ _____ at which I was drawing 50% remaining pension, and the arrears thereof, is set a side by any competent court of law, I am bound by this undertaking that I will refund entire amount which would have been received by me in accordance with Finance Division's O.M. referred to above.

4. Furthermore, I would not raise any objection in this regard.

EXECUTANT

Signature _____

NAME _____

PPO Number _____

Dated _____