

Government of Pakistan
Finance Division
(Regulations Wing)

No. F. 11(1)-Reg.6/2013-

Islamabad, the 3rd May, 2013.

OFFICE MEMORANDUM

Subject:- EARLY FINALIZATION OF THE PENSION CASES.

The undersigned is directed to refer to Finance Division's O.M. NO. F. 11(2)-Reg.6/2002 dated 25th November, 2002 and No. 11(1)-Reg.6/2009 dated 01.06.2009 on the subject noted above and to state that in spite of repeated instructions issued by the Finance Division from time to time for expeditious and timely settlement of pension cases, there are increasing number of complaints from pensioners regarding non finalization of pension cases within stipulated period.

2. The Supreme Court of Pakistan in civil appeal No. 48 of 2013 vide its Judgment dated 2102.2013 has been pleased to direct that:-

"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 the law shall not cause unnecessary hurdle or delay in finalizing the payment of pensionary/retirement benefits cases in future and violation of these directions shall amount to criminal negligence and dereliction of the duty assigned to them. Thus having noticed such ~~plausible~~ condition prevailing in the department particularly relating to the payment of the pension to retired Government servants or widows or orphan children, we direct all the Chief Secretaries of the Provincial Governments as well as the Accountant Generals and the Accountant General Pakistan Revenue, Islamabad, to ensure future strict adherence of the pension rules reproduced hereinabove and clear such cases within a period no IA more than two weeks without fail.

Similarly, the Chief Secretaries shall also issue instructions along with the copy of this Judgment to the Heads of the Departments including responsible officers to initiate and finalize the pension cases well in advance from the date of retirement of Government servant without fail as required by

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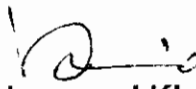
(2)

rule 5-2 of Chapter V of the West Pakistan Civil Servants Pension Rules 1963.

The object in issuance of above directions to the concerned authorities is only to make them realize their duties and responsibilities, which they owe to the retiring government servants.

We also direct that in future if there is any delay in the finalization of the **pension benefits cases** of the government servants, widows 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."

3. Ministries/Divisions/Departments/Accounts Offices/Pension Payment Offices are requested to bring the aforesaid direction of the apex court, to the notice of all concerned including Government servants and ensure expeditious settlement of all pending pension cases of the retired Government servants/families of deceased Government servants. They are also requested to abide by the same procedure in all pension cases, in future, in letter and spirit. Copy of Judgment is enclosed.


(Muhammad Khalil)
Section Officer (Reg-6)
3/5/2013

ALL MINISTRIES/DIVISIONS/DEPARTMENTS

From pre-page:

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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. The Webmaster, Finance Division, Islamabad


(Muhammad Khalil)
Section Officer (Reg-6)

8/5/2013

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IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ
Mr. Justice Khilji Arif Hussain
Mr. Justice Sh. Azmat Saeed

Civil Appeal No.48 of 2013

(Against the judgment dated 28.5.2012
passed by the Division Bench of Islamabad
High Court in ICA No.246/W/2012)

International Islamic University, Islamabad, thr. its President,
Islamabad

....Appellant

Versus

Jehanzeb Khan & others

...Respondents

For the appellant(s):

Mr. Rehan-ud-Din Khan, ASC
Mr. Mehmood A. Sheikh, AOR

Respondent No.1:

In person

For respondents No.2&3:

Raja Aleem Abbasi, DAG
Mr. M.S. Khattak, AOR

Date of hearing:

21.02.2013

JUDGMENT

Iftikhar Muhammad Chaudhry, CJ.— This appeal by the leave of the Court has been filed against the judgment dated 28.5.2012 passed by the Division Bench of Islamabad High Court in Intra Court Appeal No.246/W/2012, operative para wherefrom is reproduced herein below:-

"The petitioner had joined through proper channel and, therefore, his previous service would be counted towards his continuous service for the purposes of pension and pensionary benefits."

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department where he lastly served, to collect the same and handover his dues to him on the date when relieved from his duties.

4. It is to be regreftully noted in this case, instead of providing assistance to the respondent, his case is being contested at all the forums as noted hereinabove. **Therefore, under the circumstances, we are of the opinion that when the respondent joined the service through proper channel, the petitioner department with whom he has served for 19 years, had an obligation to collect pension from the department where earlier he had served and make the payment to him and if there is some delay, the payment of the service/pensionary benefits should be paid from its own account and no sooner that amount is received from the other departments, same should be adjusted accordingly because we have always insisted that a person who has reached the age of superannuation he has to be treated with respect and grace instead of leaving him at the mercy of procedural technicalities, which probably he would not be able to follow after his retirement, for the purpose of receiving the benefits and such responsibility is required to be shared by the department itself and should take all necessary steps to ensure that the balance amount is collected and handed over to him. However, if any delay is caused, as it has happened in the instant case where from 2004 to 2013 correspondence has been going on without any fruitful gain, University must pay his outstanding dues from its own account, which shall be adjusted after collection from the other departments. Reference in this behalf may be made to the case of In the matter of: Muhammad**

"7. It is pathetic condition that Government servants, after having served for a considerable long period during which they give their blood and sweat to the department had to die in a miserable condition on account of non payment of pension/pensionary benefits etc. The responsibility, of course, can be fixed upon the persons who were directly responsible for the same but at the same time we are of the opinion that it is an over all problem mostly in every department, where public functionaries failed to play their due role even in accordance with law. Resultantly, good governance is suffering badly. Thus every one who is responsible in any manner in delaying the case of such retired officers/official or widows or orphan children for the recovery of pension/gratuity and G.P. Fund has to be penalized. As their such lethargic action is in violation of Articles 9 and 14 of the Constitution of Islamic Republic of Pakistan, 1973. Admittedly, it is against the dignity of a human being that he has to die in miserable condition and for about three years no action has been taken by the concerned quarters in finalizing the pension case and now when the matter came up before the Court, for the first time, they are moving in different directions just to show their efficiency and to clear their position before the Court. Such conduct on their behalf is highly condemnable and cannot be encouraged in any manner.

8. 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 the law shall not cause unnecessary hurdle or delay in finalizing the payment of pensionary/retirement benefits cases in future and violation of these directions shall amount to criminal negligence and dereliction of the duty assigned to them. Thus having noticed such miserable condition prevailing in the department particularly relating to the payment of the pension to retired Government servants or widows or orphan children, we direct all the Chief Secretaries of the Provincial Governments as well as the Accountant Generals and the Accountant General Pakistan Revenue, Islamabad, to ensure future strict adherence of the pension rules reproduced hereinabove and clear such cases

CP-48/13

along with the copy of this judgment to the Heads of the Departments including responsible officers to initiate and finalize the pension cases well in advance from the date of retirement of Government servant without fail as required by rule 5-2 of Chapter V of the West Pakistan Civil Servants Pension Rules, 1963.

10. The object in issuance of above directions to the concerned authorities is only to make them realize their duties and responsibilities, which they owe to the retiring government servants.

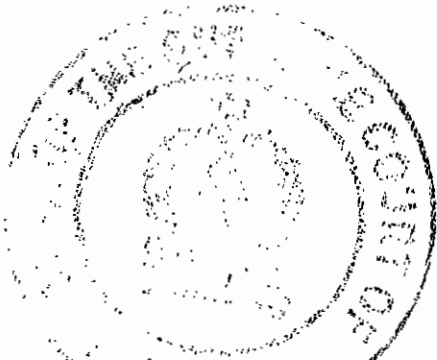
11. We also direct that in future if there is any delay in the finalization of the pension benefits cases of the government servants, widows or orphan children and matter is brought to the notice of this Court, the head of the concerned department shall also be held liable for the contempt of the Court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

Thus, for the foregoing reasons, we dismiss the appeal and rescind the leave granting order dated 10th January, 2013. The petitioner is directed to do the needful within a period of seven days and report the matter to the Registrar for our perusal in our chambers.

sd/ J. Iqbal Muhammad Chaudhry
sd/ Khilji Anif Hameed
sd/ Shi. Azmat Saeed

Certified to be True Copy

Munir
Superintendent
Supreme Court of Pakistan
Islamabad
27/2/2013



Islamabad, the
21st February, 2013
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