

IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:

MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY C.J.
MR. JUSTICE ABDUL HAMEED DOGAR.
MR. JUSTICE SAIYED SAEED ASHHAD.

CRIMINAL MISC. APPLICATION NO.226 OF 2006.
(Complaint of Haji Muhammad Ismail Memon, Advocate)

Complainant Haji Muhammad Ismail Memon, Advocate

On Court Notice: Mr. Muhammad Sarwar Khan, Addl. A. G., Sindh.
Mr. Ghulam Ali Shah Pasha, Secretary Education.
Mr. Zulifkar Ali Kadri, Accountant General, Sindh.
Mr. Fateh Muhammad Qureshi Dy. Accountant General
Mr. Abdul Aziz Sheikh, Deputy Secretary, S&GAD,
(on behalf of Chief Secretary Sindh).
Prof. Muhammad Raees Alvi, Registrar, University of
Sindh.
Prof. M. S. K. Lodhi, Ex-Principal, Jamia Millia
Government Degree College, Malir, Karachi.

Date of hearing 18.05.2006

ORDER

IFTIKHAR MUHAMMAD CHAUDHRY, CJ.- This application has been filed by one Haji Muhammad Ismail Memon, Advocate, in respect of the incident of death of an Educationist, namely, Prof. Ghazi Khan Jakhrani 70 years old and his 65 years old wife whose dead bodies were found decomposed condition after 10 days of their death from a house. They reportedly died due to starvation because of long delay in the payment of pension and other dues of Professor, Ghazi Khan. It is stated that he had developed the disease of Cancer but could not get himself treated for want of financial resources as his case for payment of pensionary/retiring benefits since 2000 to onward. It could not be finalized for one or the

reasons, mainly on account of technical objections raised by the office of Accountant General and also for the reason that the pension papers were not submitted one year prior to his retirement as required by The West Pakistan Civil Servants Pension Rules, 1963, Chapter 17 thereof envisages as under:

CHAPTER V - APPLICATION FOR GRANT OF PENSION

- 5.1. All authorities dealing with applications for pensions under these rules should bear in mind that delay in the payment of pensions involves peculiar hardship. It is essential to ensure, therefore, that a Government servant beings to receive his pension on the date on which it becomes due.
- 5.2. The responsibility for initiation and completion of pension papers is that of the Head of Department, Attached Department concerned in the case of Gazetted Officers and of the Head of Office concerned in the case of non-gazetted Government servants. The action should be initiated one year before a Government servant is due to retire so that pension may be sanctioned a month before the date of his retirement. For this purpose every Government servant should be asked to submit his pension application in Form 3(Pen) 6 months in advance of the date of his retirement; provided that
 - (i) in cases in which the date of retirement cannot be foreseen 6 months in advance, the Government servant may be asked to submit his pension application immediately after the date of his retirement is known and,
 - (ii) a Government servant proceeding on leave preparatory to retirement in excess of 6 months may be asked to submit his application at the time of proceeding on such leave.

- 5.3. (i) The following certificate shall be recorded by the Government servant in the pension application:-

"I hereby declare that I have neither applied for nor received any pension or gratuity in respect of any portion of the service included in this application and in respect of which pension or gratuity is claimed herein, nor shall I submit an application hereafter without quoting a reference to this application and to the orders which may be passed thereon."

- (ii) The Head of Department/Attached Department/ Office concerned shall certify in the previous application form whether the character, conduct and past services of the Government servant concerned are such as to entitle him to the favourable consideration of Government. He shall also record there his own opinion whether the service claimed has been established and should be admitted or not.
- (iii) All periods of leave, suspension, etc., which are not reckoned as service qualifying for pension shall be carefully recorded on the form.
- (iv) If the application is for an invalid pension the requisite medical certificate shall be attached to the application.
- 5.4. (i) After completing the application in the manner prescribed in the preceding rule it shall be forwarded along with the necessary documents to the Audit Officer through the authority empowered to sanction the pension.
- (ii) The applicant for pension/gratuity shall submit the last pay certificate and no demand certificate as soon as possible after the submission of the application for pension/gratuity. The Audit Officer shall not issue the pension gratuity payment order until these certificates have been received by him.
- (iii) The authority competent to sanction shall record on the application after due

consideration of the facts of the case his provisional recommendation stating whether the pension claimed should be admitted or not.

- 5.5. (i) The non-gazetted service of a Government servant in the application form shall be verified by the Head of Office concerned from official records, for example service book or roll, pay bill or acquaintance rolls, etc.
- (ii) If it be found impossible to verify the service otherwise a written statement of the applicant shall be taken on plain paper, and such collateral evidence as may be procurable shall be collected, for instance, certificates given by an officer to a subordinate on his leaving the office and the testimony of contemporary Government servants.

Note- The power to admit service verified under this clause may be exercised by all authorities empowered to sanction pension.

- (iii) In cases where some portion of pensionable service was rendered in India but certificate of local verification of service was not recorded in the service book for any particular period steps shall be taken to verify that service from available records, if any, such as personal files, gradation lists, pay bills, acquaintance rolls etc. Where none of the records are available, a written statement of the Government servant concerned shall be taken on a plain paper accompanied by the testimony of contemporary Government servants as in sub-rule (2) above. Such declaration should be placed on record in service book in lieu of local verification for service for that period.
- (iv) Where no official evidence for example service book, in respect of service rendered in India is available, an Indemnity Bond shall be obtained from the person concerned for refund of any amount which might later on be found to have been paid to him in excess.
- (v) The Head of Office/ Department/ Attached Department concerned shall then arrange with the applicant all the documents relied upon for the verification of non-gazetted service

claimed in such manner that they can be conveniently consulted, and forward them together with the Government servant's service book or service roll as the case may be and the statement in the second page of the pension application form duly completed up-to-date (and the last pay certificate, if necessary) through the authority empowered to sanction the pension to the Audit Officer.

- 5.6 On receipt of the pension papers the Audit Officer shall apply the requisite checks. If in cases in which the authority competent to sanction the pension has recorded its provisional recommendation under sub-rule (3) of rule 5.4, the Audit Officer finds that the claim is in order, he shall prepare the pension payment order forthwith in Form 4 (Pen.), but shall not issue it more than a fortnight in advance of the date on which the Government servant is due to retire, intimating the fact of issue to that authority. In other cases he shall certify as to the correctness of the calculations of service and pension, and return the pension papers to the authority competent to sanction the pension with a report on the claim for pension and the rules applicable to the case. He shall retain the last pay certificate unless the pension is to be paid in another circle of audit in which case he shall forward the certificate to the Audit Officer of that circle along with a copy of the order sanctioning the pension.
- 5.7 (i) A pension/gratuity which is certified by the Audit Officer shall be sanctioned by the authority competent to sanction the pension.
- (ii) Orders sanctioning the pension may issue not more than one month in advance of the due date of retirement and the Audit Officer may issue the pension/pension payment order not more than a fortnight in advance thereof to the Treasury Officer who is to pay the pension/gratuity.
- 5.8 Date of commencement of pension- Apart from special orders, an ordinary pension is payable from the date on which the pensioner ceases to be in Government service. A gratuity (other than anticipatory gratuity) shall be paid in a single sum".

2 Admittedly, when pension case of the deceased professor could not be finalized, he suffered from mental agony and distresses as well as a disease of cancer and ultimately the poor man died in a helpless condition without getting the benefit of pension. It is reported that his wife also died within a short span of time and dead bodies of both of them recovered lying inside the improvised type of home for a period of at least two weeks. Subsequently, petitioner/complainant made hue and cry in the name of humanity by approaching different authorities/forums but without any success. However, ultimately the Chief Secretary, Government of Sindh was persuaded to have a probe in the matter. As a result whereof Mr. Nisar Ahmad Siddiqui, the then Secretary Women Development Department, Government of Sindh was appointed as Inquiry Officer on 22.12.2003 but he could not do the needful and in the meanwhile he was retired. Thereafter, Mr. Sabhgy Khan Jatui, the then Secretary Agriculture, Government of Sindh, was appointed as Inquiry Officer with the direction to complete the inquiry within one month but he also failed to complete the same and kept the file with him for a long period. Meanwhile, the complainant approached this Court by submitting Misc. Application pointing out the violation of fundamental rights of life and property under Article 9 of the Constitution of Islamic Republic of Pakistan, 1973 of the deceased Professor Ghazi Khan Jakhrani. On receipt of his complaint Mr. Sadiq Hussain Bhatti, District and Sessions Judge, Malir, Karachi was directed to conduct inquiry in the matter vide order dated 26.4.2006. In the meantime the Government of Sindh through his Chief Secretary, realizing about taking of cognizance by this Court

accelerated efforts for getting a report from the Inquiry Officer, who ultimately submitted his report on 16.5.2006, obviously after the issuance of notice by this Court. Concluding para from the inquiry report is reproduced hereinbelow:

“Keeping in view the above examination, I am of the opinion that Prof. M.S.K.Lodhi, Principal, Jamia Millia Govt. Degree College is mainly responsible for delaying the pension papers. Had he taken steps in right direction, the pension could have been finalized much earlier. He failed to take up with the appropriate authorities for getting up the non-gazetted period of late Ghazi Khan counted. He also failed for sending the final G.P Fund papers to the competent authority in time, in case pension papers were not complete.

Prof. Ghazi Khan Jakhrani collected pension papers/G.P. Fund papers from the office of A.G Sindh on 11.6.2003 and seems to have not been submitted to the Education Department for removing objections/observation of A.G. Sindh. As such some delay also occurred on his part.”

3. In the meanwhile the learned District and Sessions Judge, Malir also submitted inquiry report holding responsible for not finalizing the pension case of the late professor to a good number of Officers both from the Education Department of Sindh Government as well as from the office of Accountant General Sindh. Recommendations so made by him in the report are reproduced below:

- i. Mr.Muzaffar Jamal Assistant Account Officer A.G. Sindh Pay fixation section, was responsible on account of raising irrelevant/illegal observation and Mr.Nadeem Iftikhar Assistant Account

Officer A.G. Sindh, Karachi, is also responsible on the ground that instead of calling clarification from Secretary Education handed over the observation papers to ailing Professor Ghazi Khan Jakhrani (late). Both these officials of A.G. Sindh at the time of his final payment have come in the way of release of his legal dues and they also played major role in non-payment of his legal dues.

- ii. M/s Dr. Mujeeb Feroze and Haroon Rasheed, District Education Officers Colleges, were also equally responsible for delaying the pension papers, on one pretext or the other, as at that time, they were posted as D.O Education colleges.
- iii. Professor Raees Alvi EDO Higher Karachi and M/s Muhammad Shareef Baloch, Nazar Hussain Mahar sand Ghulam Ali Pasha, Secretaries Education, Government of Sindh, who at the time were on the said posts, were also responsible on account of not referring the matter to the Pension Cases Disposal Committee and by not taking any departmental action against their subordinates on submission of pension papers very late after the expiry of three years.

4. It may be noted that it is not only the case of late Prof. Ghazi and his wife who had died allegedly due to starvation as they had no financial resources to feed themselves but there are a large number of identical cases of the retired government officers/officials as well as widows and their children which are being reported from time to time in the media. Predecessors of deceased government servants have to wait for a long period to get cleared their pension papers. It is also an admitted fact all over the country the offices of Accountants General usually raise baseless, frivolous and technical objections for causing delay in finalizing the pension cases with ulterior motives, of course.

known to them best. However, when this case was taken up, we were informed that in the month of January, 2006, there were several pension cases pending in the office of Accountant General, Sindh, and the majority of them, have been cleared and on the last date of hearing, it was pointed out by Mr. Fateh Muhammad Qureshi, Deputy Accountant General that about 100 cases of pension were still pending for clearance. He was directed to finalize these cases without any further delay. Today, he has made a categorical statement before the Court that all such cases have been cleared. Mr. Zulifkar Ali Kadri Accountant General, Sindh, also appeared and stated that following measures have been adopted for disposal of pension and G.P. Fund cases expeditiously in future :-

**INITIATIVE FOR SPEEDY DISPOSAL OF PENSION
AND G.P. FUND CASES**

The forum of Khuli Katchery (Open Court), is held on every Friday, to provide instant redressal to the complainants. The AG himself addresses the grievances of Pension & G.P Fund subscribers and provide on the spot remedy. About 118 Pension & G.P Fund cases have been disposed of during the period from December, 2004 to 12th May, 2006.

Letters to all the Heads of the Departments were written for submission of pension cases in this office six months before retirement of expected retirees as per paras 5.1 to 5.9 of the Pension Liberalized Rules 1964 and Presidential Order (F/C).

Daily monitoring of Pension cases by raising the level of responsibility at the level of Deputy Accountant General/ Additional Accountant General.

Letters were written to all the Departments to appoint focal persons to coordinate with AG Sindh for speedy disposal of Pension & G.P Fund cases, but a slow response has been received from the Departments.

FUTURE ACTION PLAN

As a first instance data collection of all the expected retirees for the year 2006 and 2007, has been made by this office to expeditiously process the Pension & GPF cases of expected retirees of the year 2006 and 2007, through computerized system of Pension & GPF cases modules to be installed in this office in near future.

Pensioner's Directory

In order to facilitate pensioner, pensions directory in respect of all the districts of the province have been compiled.

As an initiative the list of employees retiring up to Dec 2007 has been prepared.

The executive departments are being pursued vigorously to process the cases in time and submit cases complete in all respects, with all required documents, and to interact till the finalization of cases. "

5. According to him, the above procedure if adhered to would facilitate and would be beneficial for early disposal of the pension cases. He has also assured that in future no delay would be caused in clearing the pension cases.

6. On the last date of hearing, we had directed the learned Additional Advocate General, Sindh, to convene a meeting with the Chief Secretary, Sindh, with a view to ascertain that what action has been initiated against the Officers of the Provincial Government who

were responsible for causing delay of pension case of late Prof. Ghazi Today. He has placed on record a letter dated 17.5.2006, the perusal whereof indicates that Mr. M. S. K. Lodhi, Principal, Jamia Millia Government Degree College, Malir, Karachi, being *prima facie* responsible for the delay in disposal of the finalization of the pension case, has been placed under suspension vide order dated 17.5.2006 and he has also been served with show cause notice under the Removal from Service (Special Powers) Sindh Ordinance, 2000. Similarly Accountant General had stated that he has taken steps for taking action according to the rules against the delinquent officers/officials of his department responsible for causing delay and the progress in this behalf shall be made soon.

7. It is a 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 finalising 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 conditions prevailing in the department particularly relating to the payment of the pension to retired government servants or widow 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 in future strict adherence of the pension rules reproduced herein above and clear such cases within a period not more than two weeks without fail.

9. Similarly, the Chief Secretaries shall also issue instructions along with the copy of this judgment to the Heads of the Department including responsible officers to initiate and finalize the pension cases well in advance from the date of retirement of government servants

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.

12. Chief Secretary, Government of Sindh, is directed to comply with the observations made in the inquiry report submitted by the District and Sessions Judge, Malir, Karachi, and finalize proceedings against the persons whosoever, have been named therein according to relevant provisions of law expeditiously but not more than a period of six weeks. He shall submit a report in this regard to the Registrar of this Court for our perusal in Chambers.

13. The pension and other dues of late Professor Ghazi Khan Jakhraji shall be calculated and the amount shall be paid to his legal heirs, if any, otherwise, the Chief Secretary shall deal with the amount being unclaimed in accordance with law. A copy of final order passed against responsible persons, shall also be handed over to petitioner Haji Muhammad Ismail Memon, Advocate, resident of Jatoi, District Thatta by the Chief Secretary, Government of Sindh. We appreciate his efforts in surfacing the case of late Professor Ghazi Khan Jakhraji.

pointing out general miseries of retired government officers, which they have faced in getting their pension. .

10. The Criminal Misc. Application is, disposed of accordingly.

KARACHI.

18.5.2006.

(Khalid)

APPROVED FOR REPORTING

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IN THE SUPREME COURT OF PAKISTAN
(Original Jurisdiction)

PRESENT:

MR. JUSTICE IFTIKHAR MUHAMMAD CHAUDHRY C.J.
MR. JUSTICE SAIYED SAEB ASHHAD.

CRIMINAL MISC. APPEAL NO.226 OF 2006.

Complainant Haji Muhammad Ismail Memon, Adv.

On Court Notice: Mr. Sarwar Khan, Addl. A.G.Sindh.
Mr. Ghulam Ali Shah Pasha, Secretary Education.
Prof. Muhammad Raees Alvi, Registrar, University
of Sindh.
Prof. M. S. K. Lodhi, Principal, Jamia Millia
Government Degree College, Malir, Karachi.
M/s Fateh Muhammad Qureshi & Nadeem Iftikhar,
of Office of the Accountant General, Govt. of Sindh.

Date of hearing 15.05.2006

ORDER

In pursuance of our direction, Inquiry Officer/District or
Sessions Judge, Malir, Karachi has submitted report. Concluding part
therefrom is reproduced hereinbelow:

1. Professor M.S.K.Lodhi, Principal Jamia Millia, Government Degree College, Malir, Karachi, was firstly responsible for not initiating the pension papers one year prior to date of retirement, as provided under the rules and the major role for delaying the pension papers more than three years is also on his part, as he failed to take-up with the appropriate authorities for getting up the non-gazetted period of late Ghazi Khan Jakhani counted or failed to reconstitute the service book of the said period. He also failed for sending the final G.P.Fund papers to the competent authority in case pension papers were not completed.

- ii. Mr. Muzaffar Jamal Assistant Account Officer A.G. Sindh Pay fixation section, was responsible on account of raising irrelevant/illegal observation and Mr. Nadeem Iftikhar Assistant Account Officer A.G. Sindh, Karachi, is also responsible on the ground that instead of calling clarification from Secretary Education handed over the observation papers to ailing Professor Ghazi Khan Jakhrani (late). Both these officials of A.G. Sindh at the time of his final payment have come in the way of release of his legal dues and they also played major role in non-payment of his legal dues.
- iii. M/s Dr. Mujeeb Feroze and Haroon Rasheed, District Education Officers Colleges, were also equally responsible for delaying the pension papers, on one pretext or the other, as at that time, they were posted as D.O Education colleges.
- iv. Professor Raees Alvi EDO Higher Karachi and M/s Muhammad Shareef Baloch, Nazar Hussain Mahar sand Ghulam Ali Pasha, Secretaries Education, Government of Sindh, who at the time were on the said posts, were also responsible on account of not referring the matter to the Pension Cases Disposal Committee and by not taking any departmental action against their subordinates on submission of pension papers very late after the expiry of three years.

2. Mr. Sarwar Khan, learned Additional A.G. Sindh stated that the Chief Secretary, Government of Sindh has also constituted a Committee to inquire into the matter and the recommendation of the same has also been sent by him. Office is directed to hand over the copy of the inquiry report to the learned Additional Advocate General Sindh, for onward transmission to the Chief Secretary and conveniencing a meeting with him in order to ascertain that what action he is contemplating to take in this behalf.

3. Mr. Fateh Muhammad Qureshi, Deputy Accountant General is directed to submit the details of the cases of the pension/G.P.Fund which have not been cleared so far and are still pending and take all necessary steps to clear them before the next date of hearing. However, he shall submit a report indicating reasons as to why the pension/G.P Fund cases of the pensioners and their widows etc. are not cleared so far. He would also submit a working plan invoked in the office of Accountant General particularly for dealing with the cases of the pension/G.P. Fund and steps which can be taken for its implementation in future.

4. Adjourned to 18.5.2006.

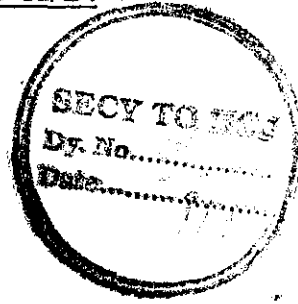
Karachi,
15.5.2006.
Khalid/**

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Registered A/D.

Original

His Lordship Mr. Justice
Atikhar Muhammad Choudhry,
Honourable Chief Justice,
Supreme Court of Pakistan,
Islamabad.



- A- Fifteen days old decomposed bodies of 70-year old Professor Ghazi Khan Jakhrani and his 65-year old wife were found in their house. They reportedly died of starvation because of long delay in the payment of Professor Jakhrani's pension and other dues.
- B- Can't we content with and stop at that tragic case. Inaction against untouchable holy cows further encourage them and such other black sheep who have led themselves to point of no return. There may be found large number of such ill-fated cases as hanging in balance and lying in cold storages in Govt. offices.
- C- Detailed and indepth probe may unearth large number of such serious cases of sheer injustice rather miseries of the citizens who are either weak and meek or whose conscience and nature do not permit them to adopt foul means for their legitimate rights.
- D- For the restoration of shattered confidence of the citizens, I can only and humbly wish and pray that your lordship may be pleased to take suo motu notice of the serious cases of humanitarian nature including that of Professor Ghazi Khan Jakhrani and to do complete justice which means giving to every one his due (Jaza or Saza) on the basis of equity before it is too late and before other affected persons also pay the debt to the nature before their getting justice.

My Lord,

Most humbly and respectfully I beg pardon and permission to encroach upon your precious time and seek your lordship's attention towards the cases involving human miseries. My humble submissions purely in the interest of justice and for service to humanity run as under:-

01. That a renowned columnist Mr. Ardeshir Cowasjee authored a column which was published in Daily "Dawn", Karachi in its issue of 18 th January, 2004. An extract therefrom is reproduced below:-

"Then we come to a truly tragic case possibly

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involving pensions. On December 07, 2003, the decomposed bodies of 70-year old Professor Ghazi Khan Jakhrani and his 65-year old wife were found in their house in Gulshan-e-Akbar, Malir, Karachi. Those bodies were taken to JPMC for autopsies and reportedly it was found that both had cancer. It was estimated that they had been dead for fifteen days. Professor Jakhrani taught at the Jamia Millia College at Malir and after his retirement, for as long as his health held, gave private tuition. The couple had no children. According to people living in the vicinity, the story goes that the two actually died of starvation because of long delays in the payment of Professor Jakhrani's pension and other dues owing to him by the Education Department. Whatever the cause may be of their death, for sure they died in painful and miserable circumstances".

(Photostat copy of the relevant column as published in press is attached herewith).

02. That the fact that Jakhrani couple had no children does not relieve the society in general and those at helm of affairs and above all our judiciary of their bounden duty and debt of making complete justice. The term "Justice", as defined by jurists, means to keep the scales of balance straight and even and to give to every one his due (Jaza or Saza) on the basis of equity. In Islamic system, the State should not only take the estate of the deceased leaving no heir but also it owes the duty to make justice in the case of a Late citizen leaving no surviving legal heir. This is based on the universally established principle that rights/ powers and duties always co-exist and go parallel. If my memory does not betray me, there was subsequently a report/news item in the press that the enquiry was conducted

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by the office of Account General, Sindh into the case of Professor Jakhrani and no one in that office was allegedly found responsible for the delay in the case of Professor Jakhrani as the case was reportedly not processed/initiated by his own (Education) Department. One fails to understand as to how the office of Accountant General, Sindh could competently sit as a judge in the case wherein there were allegations against that office. Even if it is true that the Education Department did not actually initiate that case, the wheat would have been separated from the chaff if that untouchable holy cow (Sindh Education Department) should have been questioned for that as it becomes the inescapable obligation rather bounden duty of the Controlling Officer of the retiring Govt servant to initiate the cases of post-retirement benefits including pension and G.P. Fund final payment well in advance so that the concerned person does not face financial crisis in his old age but he gets his dues as soon as he retires from the service.

03. That when Professors teaching wisdom and producing cream for the nation are unable to get the disposal of their genuine cases and complete justice and instead they face untold miseries, it remains not difficult to imagine the helplessness, weakness and meakness of ordinary and common citizens of this country majority of whom being illiterate are not even aware of their basic rights.
04. That I would be failing to my duty and my conscience would always feel itself guilty of criminal negligence if I play the role of silent spectator and if I do not point out without any fear or favour the miseries of Late Professor as my that silence would further encourage the hard-hearted public functionaries who may daringly play such havoc with others also. I most humbly wish your lordship may be pleased to take suo motu notice of the matter before it is too late and before other ill-fated persons like Professor Jakhrani also fall victim at the


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hands of hard-hearted bureaucrats who have forgotten that they too have to die or retire when their survivors or themselves would reap what they are sowing today.

05. That the power is actually a trust in the hands of public authorities and it is their legal and moral duty to discharge their functions even-handedly and in transparent manner. They have to keep the scales of justice – balance straight and even and to do justice at the grass root level. Public functionaries should not look forward for directions outside the department but they are supposed to administer even-handed and complete justice to their subordinates.

06. That, therefore, my humble prayer in the name of justice and humanity is that your lordship may be pleased to take suo motu notice and direct a judicial probe into all such cases including the case of Professor Jakhrani and punish the Govt officials found responsible for injustice and for causing mental torture to him till his tragic death and to others whose cases are so detected during probe. That will atleast give peace to the souls of Jakhrani couple and also it would satisfy others that they got justice in their life time and the persons causing mental torture and agony to them were brought to task.

Yours most obediently,

 (4.6.2016)

(HAJI MUHAMMAD ISMAIL MEMON)

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