



To

Mr. Muhammad Ishaque,
House No.13, Street No.8,
Usman Gunj, Badami Bagh,
Lahore.

Subject: **RESTORATION OF COMMUTED PORTION OF PENSION
ALONGWITH INCREASES UNDER PPO NO.193937/427**

Dear Sir,

It is with reference to your complaint dated 18.02.2015 and your verbal arguments given in person on 20.02.2015 against decision of the Accountant General, Punjab, contained in his office's letter No. Pen/PFC/HM-160 dated 11.02.2015 wherein it has been certified that you are in receipt of pension, including commuted portion thereof, as prescribed and periodic increases in pension as sanctioned by the Government.

2. This Complaint Cell has been established by the Government of the Punjab, Finance Department, through a notification bearing No. FD.SR-III/4-41/2008 dated 30.01.2014, to ensure payments, if any, to eligible pensioners of Government of the Punjab in accordance with judgment of the Honourable Supreme Court of Pakistan reported as Secretary, Government of Punjab, Finance Department and 269 others versus M. Ismail Tayer and 269 others **(2014 SCMR 1336)**.

3. In order to ascertain what is payable to you in the light of the judgment **(2014 SCMR 1336)** of the Honourable Supreme Court, it would be necessary to briefly discuss essential facts relevant for a proper understanding of the issues in hand.

4. It has been held by a five-judge bench of the Honourable Supreme Court in I.A. Sharwani's case **(1991 SCMR 1041)** that:

"All forms of pensions, including the superannuation pension, payable by Government, are dependent upon statutory provisions. Under Article 240 of the Pakistan Constitution 1973 the terms and conditions of service of persons working with the Federal Government are determined by law passed by Majlis-e-Shoora (Parliament) and that of persons working with the Provincial Governments by law passed by the respective Provincial Assemblies. Section 19 of the Civil Servants Act, 1973, and similar provisions in the different Provincial Civil Servants Acts provide for payment of pensions to civil servants of the Federal and the Provincial Governments as may be prescribed, that is to say as prescribed by the rules. Likewise, under section 25(2) of the Civil Servants Act, 1973, and similar provisions in the different Provincial Civil Servants Acts, read with Article 241 of the Constitution, all rules, orders or instructions in force in respect of terms and conditions of civil servants competently made, are to be deemed to be rules made under the Act and as continuing in force. A host of rules deal with different types of pensions payable to different types of Government servants working at the Federal level. Likewise, separate rules deal with different types of pensions payable to Government servants working at the Provincial level in the four provinces. A Government employee's claim to pay and allowances is regulated by the rules in force at the time in respect of which the pay and allowances are earned, whilst his claim to pension is regulated by the rules in force at the time when he retires, resigns, or is invalided out, or is compulsorily retired, or is discharged from service, or is injured, or killed whilst in service, depending upon the type of pension claimed. In respect of superannuation pension, the amount of pension payable is determined by the length of completed years of qualifying service put in by the Government servant, subject to the formula then in

existence providing the mode of calculation of pension as prescribed by the rules.”

5. Rule 1.6 (ii), (v) and (vi), 8.1 and 8.12 (a) of the Punjab Civil Services Pension Rules read as follows:

“1.6

(ii) Pension – Except when the term ‘pension’ is used in contradistinction to gratuity, pension includes gratuity.

(v) Ordinary Pension – Ordinary pension means pensions other than extra – ordinary pension

(vi) Full pension – Full pension means the amount of ordinary pension admissible including commuted portion of the pension, if any.

8.1 A competent authority may sanction the commutation for lump sum payment of a portion not exceeding one half of any pension which has been or is about to be granted under these rules.

8.12. (a) The commuted portion of pension to the extent of 1/4th of full pension shall be restored to the pensioners on completion of the number of years for which commuted value is paid.”

6. Government of the Punjab, Finance Department, through a letter bearing No.FD.PC-2-1/2001 dated 22nd October, 2001, enforced a Scheme of the Basic Pay Scales, Allowances and Pension, 2001, for provincial employees and pensioners. The said Scheme, inter alia, provided as under:

(i) The benefit of restoration of surrendered portion of pension in lieu of commutation/gratuity shall be withdrawn.

(ii) In future the increase in pension to the pensioners shall be allowed on net pension instead of gross pension.

7. The Federal Government had introduced similar measures. Some pensioners of the Federal Government filed appeals in the Federal Service Tribunal, Islamabad, claiming that increases in pension can only be sanctioned on gross pension and not on net pension. Allowing the appeals, the Federal Service Tribunal, through a judgment dated 02.06.2003, held as under:

"18. For the above reasons, we accept all the appeals to the extent only that increase in pension shall be allowed on gross pension which in fact is full pension-----."

8. The said judgments of the Federal Service Tribunal were appealed against by the Federal Government in the Honourable Supreme Court of Pakistan through Civil Appeals Nos. 1305 to 1327 of 2003. Accepting the appeals, the Honourable Supreme Court held that:

"There is no provision in the Civil Servant Act, 1973 providing or the Rules specifically for increase in pension. However, section 19 of the Act provides that a civil servant shall be entitled to receive such pension as may be prescribed. This provision therefore empowers the Government to fix an amount of pension and also to increase the same from time to time. No formal rules have been framed for the purpose of increase in pension and the increase had been made from regularly through Office Memorandums. The documents relied upon by the respondents in support of their contention that previously the increase used to be on gross pension are in the form of Office Memorandums dated 29.6.1995, 23.7.1999, where it is stated that pension, for the purpose of increase, is the amount before commutation etc. However in these Office Memorandums it has been expressly stated that the meaning given to the term 'pension' is relevant only for the purpose of interpreting pension as it appears in the Office Memorandums. Thus there is no general

definition of pension for the purpose of calculating increase therein and it is to be given the meaning assigned to it in the instrument by which the pension is increased. In the Notification of 4.9.2001 it has been clearly laid down that the rate of increase in the pension is to be calculated on net pension. **For the sake of further clarity, Clause (f) of para 16 of the Notification declared that "in future the increase in pension to the pensioners shall be allowed on net pension instead of gross pension".** The Government undoubtedly is invested with the power to fix the amount of, or increase, pension, to lay down the method for its calculation, and to bring about changes therein. Reference may be made to Section 19 of the Civil Servant Act and Rule 4 of the C.S.R. In the absence of any statutory bar or restriction the Government is free to decide whether to grant enhancement in pension on gross or net pension. The Tribunal therefore erred in holding that the increase can only be on full and not net pension. Furthermore, the previous mode adopted by the Government cannot restrain it from changing it. Since the increase in pension is purely an executive act and is based on a policy, which takes into consideration various factors, including inflation and the Government financial constraints, the amount of increase given to the pensioner by the Notification in question must have been determined on the premise that the same would be payable on net and not gross pension. To accept the plea of the respondent would lead to creating an additional financial burden on the exchequer not envisaged by the Government at the time of issuing the Notification in question. The Tribunal gave the impugned direction simply because of its misconception that pension can neither be 'net' nor 'gross' but simply "pension". As observed above such conclusion is untenable." (Emphasis supplied.)

9. The above conclusions were re-affirmed by the Honourable Supreme Court in a case reported as **2012 SCMR 106**. In this case, a decision of the Federal Service Tribunal through which appeal of Mr. Akram Ul Haq Alvi challenging increase on net pension instead of gross pension was dismissed was assailed. The Honourable Supreme Court noted in paragraph 2 and 3 of the judgment:

- "2. Appellant has argued his case himself and the main thrust of his submissions has been that in view of the judgments of this Court reported at Bashir Ahmed Solangi v. Chief Secretary, Government of Sindh (2004 SCMR 1864) and Government of Pakistan v. Village Development Organization (2005 SCMR 492) the Federal Government having allowed the increase on gross pension in terms of its earlier notification dated 23-7-1999 could not have withdrawn the said relief by a subsequent notification dated 4-9-2001 as appellant was retired in the year 2000 and was drawing benefit of the former notification of the year 1999 and the latter notification (of the year 2001) could not be used to deprive the benefit which had already accrued to him.
3. Learned Deputy Attorney-General, on the other hand, defended the impugned judgment mainly on the ground that the quantum of increase in pension is basically an executive function and the Government from time to time has got the power to review or modify the same keeping in view the host of factors including inflation, financial constraints and other factors tenable in law. He lastly relied on a judgment of this Court passed in Civil Appeals Nos. 1305 to 1327 of 2003 wherein this power of the Government was upheld."

After extensively reiterating the law as laid down by the Honourable Supreme Court in Civil Appeals Nos.1305 to 1327 of 2003, it was held as under:

“5. Respectfully reiterating the earlier view taken by this court, to which reference has been made above, we do not find any merit in this appeal, which is dismissed.”

10. Mr. S.A.M. Wahidi retired as Solicitor, Ministry of Law, Justice and Human Rights, Government of Pakistan, on 13.12.1987. Commuted portion of his pension was restored on 14.12.2002. He made a representation to the Accountant General Pakistan Revenues, Islamabad, requesting therein that commuted portion of his pension should have been restored with effect from 14.12.2002 together with increases that had been allowed by the Government on the gross pension in the meanwhile and 15% dearness increase sanctioned with effect from 01.12.2001 should also be allowed on restored commuted portion of his pension. To get relief, he had to file an appeal (Appeal No. 495(R) CS/2003) in the learned Federal Service Tribunal, Islamabad, which ordered as follows:

“In view of the foregoing, we allow the appeal to the extent that he is entitled to 15% increase on his pension inclusive of restored portion of commutation which in his case is net pension with effect from 14.12.2002 but his claim, even without arrears, to the increases allowed between the period of his commutation and its restoration is not justified as during the period, he drew increases on the gross pension as admissible. Such increases as earlier allowed on gross pension would, however, continue to be paid, if otherwise applicable as in his case the pension inclusive of the restored commuted portion is the net pension being drawn by him.”

11. Government of Pakistan, Finance Division (Regulations Wing), issued an office memorandum bearing No.F.13 (16)-Reg.6/

2003 dated 29th February, 2008, to implement the judgment of the learned Federal Service Tribunal in Appeal No. 495(R) CS/2003 wherein it was stated as under:

“The undersigned is directed to refer to Finance Division's O.M.No.F.5(2)-Reg.6/2002 dated 2nd July, 2002 on the above subject and to state that in pursuance of the Judgment dated 21-4-2007 passed by Federal Service Tribunal in civil petition No.495(R)/CS/2003, it has been decided that increase in pension admissible in the respective financial year be allowed on the restored commuted portion of pension to all those Government servants who retired on or before 30-6-2001 with effect from the date on which the commuted value of pension has been restored.”

12. On 22nd March, 2008, Government of the Punjab, Finance Department, issued a letter bearing No. FD.SR-III-4-41/2008 through which it was notified as under:

“----it has been decided that increase in pension admissible in the respective financial year be allowed on the restored commuted portion of pension to all those Government servants who retired on or before 30.06.2001 with effect from the date on which the commuted value of pension has been restored.”

It was subsequently clarified, vide Government of the Punjab, Finance Department's letter bearing No. FDSR-III/4-182/08 dated 4th of November, 2009, that if commuted portion of pension of a pensioner is restored in a particular financial year and no increase is sanctioned in that year, no increase will be given in that case. The above letter cannot be misconstrued to mean that all increases in pension sanctioned on net pension would also be allowed on restored portion of commuted value of pension with effect from the date of restoration of the commuted value of pension.

13. Mr. A.A. Zuberi, a pensioner of the Federal Government, filed Writ Petition No.2147 of 2009 in the Honourable Lahore High Court, Lahore. Relevant facts as mentioned in the judgment in this writ petition, reported as **2010 PLC (C.S.) 1211**, are as under:

“Facts leading to this writ petition are that the petitioner was retired as Member Income Tax Appellate Tribunal of Pakistan (BS-21) on 31.5.1993 and his pension was worked out at Rs.11,176.83. Petitioner's half pension was commuted for the period of 15 years and a sum of Rs.8,87,128 was paid to him as lump sum, which was to be recovered from him in 15 years and thus the petitioner was paid a pension of Rs.5,588 per month being half of the pension because the other half was to be adjusted towards the commuted pension paid to him in advance.

2. Petitioner's 15 years period was expired on 31.5.2008 and according to him the Government of Pakistan had not only recovered the entire amount recoverable from him but also recovered additional amount of Rs.3,26,689 over and above the recoverable amount.
3. Learned counsel for the petitioner submits that during the period of 15 years Government gave increases in pension at percentages from 5% to 20% and this benefit of increase was restricted by the Government to the payable half of his pension, although the increase should have been on the entire pension and in this way the petitioner was deprived of the benefit of increase to the tune of Rs.3,26,689. After expiry of 15 years the petitioner applied for restoration of his full pension and in response the pension is restored but the same is restricted to Rs.6,706 although after increase of pension from time to time the petitioner's one half receivable pension is Rs.17,428 and the restored one half

pension should have been the same, meaning thereby that his pension should be double i.e. Rs.34,856 but the Government of Pakistan has refused to restore the pension as requested, which otherwise amounts to exploitation which is against all canons of justice and violative of the specific provisions of Constitution of Pakistan.”

14. Operative part of the judgment in the above-said writ petition is reproduced hereunder:

“For the reasons mentioned above, I see the impugned action by the authorities as highly indiscriminate and violative of the rights of the civil servants and therefore declare the same without lawful authority, having no legal effect, and direct the respondents to calculate the petitioner's revived pension amount reflecting the total increases from the date of expiry of period of 15 years i.e. with effect from 31-5-2008 and pay the arrears of the said period to the petitioner. However, the petitioner shall not be entitled for any increase prior to 31.5.2008 i.e. the period of 15 years maturity.”

15. It may not be out of context to mention here that, prior to 2001, increases in pension were used to be sanctioned on gross pension and not on net pension. Thus, Mr. A.A. Zuberi was allowed 10% increase in his gross pension with effect from 1st of July, 1993 and 20% increase in his gross pension with effect from 1st of July, 1999. Subsequent increases in pension were allowed to him on net pension till July, 2007, whereafter his commuted portion of pension was restored with effect from 31.05.2008 and amounts of gross and net pension became the same and, thus, all subsequent increases had been calculated on gross pension in his case.

16. The Federal Government filed an intra-court appeal in the Honourable Lahore High Court, Lahore, which was decided through a judgment reported as **2011 PLC (C.S.) 580**. The Honourable Division Bench found that the judgment of the learned Single Judge was not clear. The Honourable Division Bench noted that:

"6. Learned counsel for the appellant submitted that the word "Commutation" means "alteration change, substitution; the act of substituting one thing for another" and referred to Black's Law Dictionary, 5th Edition in this regard. He relied on the said meaning to submit that the respondent was not getting any pension during the period of commutation, therefore, the increments over the said period cannot accrue to the respondents."

17. It was also noted by the Honourable Division Bench that:

"10. The contention of the respondents is that during the period of commutation increase in pension was granted ranging from 5% to 20% and therefore restoration of pension means the pension inclusive of increments granted over the last 15 years. Therefore, pension in the year 2008 should be double of the 50% pension received by the respondents per month. The counsel argued that the increase has been in the "pension" and, therefore, the respondents cannot be deprived of the said increments."

18. The Honourable Division Bench concluded as under:

"22. We, therefore, hold that under Rule 3.29 of the Pension Rules (supra) the restoration of pension means the pension due to a retired civil servant in that year inclusive of all the increments till that time (i.e. accumulated over the last 15 years in this case). In other words it would simply be double the amount of 50% pension the respondents are already

drawing. These appeals are, therefore, dismissed. The order of the learned Single Judge is modified/clarified in the above terms."

19. Petition for leave to appeal of the Federal Government against the judgment reported as **2011 PLC (C.S.) 580** was dismissed by the Honourable Supreme Court of Pakistan vide order dated 10.12.2010 on ground of being time-barred.

20. Relying upon judgment reported as **2011 PLC (C.S.) 580**, certain pensioners of the Federal Government succeeded in their appeals filed in the Federal Service Tribunal to the same effect against which leave to appeal was refused by the Honourable Supreme Court of Pakistan vide judgment reported as **2012 SCMR 1914**.

21. A number of pensioners of the Government of the Punjab filed writ petitions in the Honourable Lahore High Court, praying for issuance of directions to the Government of the Punjab for doubling of their pensions in terms of the ratio decidendi of case reported as **2011 PLC (C.S.) 580** which were allowed by the Honourable Lahore High Court.

22. Mr. Muhammad Ismail Tayer, a pensioner of the Government of the Punjab, reportedly sent a communication to various authorities in Government of the Punjab on 10.01.2009 stating therein that he retired on 18.01.1991 and commuted portion of his pension was restored with effect from 19.01.2006 but, as a result of misconstruction of Government of the Punjab, Finance Department's letter No. FD.SR-III-4-41/2008 dated 22.03.2008, he was not allowed increases sanctioned by the Government with effect from 01.12.2001, 01.07.2003 and 01.07.2004 on commuted portion of pension. He was aggrieved of provisions of a letter of the Finance Department bearing No.FD.PC-2-1/2001 dated 22nd October, 2001, to the extent of discontinuation of facility of restoration of commuted value of pension and increases on net pension instead of gross pension.

23. The aforesaid communication of Mr. Muhammad Ismail Tayer was allegedly not responded to; hence, he filed an appeal in the Punjab Service Tribunal, praying as under:

“In view of the above submissions, it is respectfully prayed that the respondents may, kindly, be directed to allow the increases on 01.12.2001, 01.07.2003 and 01.07.2004 in addition to already allowed increase on 01.07.2005.”

24. Relying on judgments reported as **2010 PLC (C.S.) 1211** and **2011 PLC (C.S.) 580**, read with order of the Honourable Supreme Court of Pakistan dated 10.12.2010 referred to hereinabove, the learned Service Tribunal held as under:

“The upshot of the above discussion is that this appeal is allowed and the competent authority is directed to determine the pension of appellant from the date of restoration of commuted portion at the rate at which the appellant was drawing 50% remaining pension and to pay him the arrears from the date of restoration of commuted pension, if any. However, the appellant would not be entitled to claim any arrears for the period prior to restoration of commuted pension.”

25. Government of the Punjab, Finance Department, filed civil petitions in the Honourable Supreme Court of Pakistan for grant of leave to appeal which were allowed in the following words:

“After hearing learned Additional Advocate General Punjab, leave to appeal is granted inter alia to consider as to whether in view of the provisions of Article 212 of the Constitution of Islamic Republic of Pakistan and the judgment in the case titled Accountant General vs. Abdul Majeed Babar (1990 SCMR 790), a constitution petition under Article 199 before the High Court was maintainable? As a short point is involved, the office is directed to prepare appeals on the present record with liberty to the parties to

file additional documents if so advised within a week. The appeals are to be listed for hearing after three weeks."

26. The Honourable Supreme Court heard the parties and announced its short order on 31.03.2014, which is reproduced hereunder:

"For reasons to be recorded later in the detailed judgment, we are persuaded to hold that the interpretation being accorded to Rule 8.1 read with 8.12 of the Punjab Civil Services Pension Rules vide the office memorandum issued by the Government of Punjab dated 22.10.2001 is not only violative of those Rules but also of Article 25 of the Constitution of Islamic Republic of Pakistan. These appeals and petitions are, therefore, dismissed with no order as to costs."

27. On receipt of detailed judgment of the Supreme Court, a four-member committee was constituted by the Government of the Punjab, Finance Department, to devise the procedure to implement the above said judgment of the Honourable Supreme Court. The Committee, after an in-depth examination of all known legal aspects of the case, found as follows:

"In view of above, we may construe judgment of the Honourable Supreme Court to mean that the Honourable Supreme Court has substituted operative parts of orders of the learned Service Tribunal and those of the Honourable High Court with its own order. Whereas the Service Tribunal and the High Court had given a formula for determination of amount of commuted value of pension at the time of its restoration and had not addressed the question of withdrawal of facility of restoration of commuted portion on expiry of the defined period, the Honourable Supreme Court of Pakistan has conclusively attended to the latter question and has declared the measure of withdrawal of facility of restoration of commuted portion violative of the relevant rules and Article 25 of the Constitution but it has not upheld the

formula given by the Service Tribunal and the High Court for calculation of amount of commuted value of pension at the time of its restoration. This is obvious as increases on net pension have been validated by the Honourable Supreme Court of Pakistan."

28. As a logical consequence of the above finding of law, the Committee recommended as under:

"The order of the Honourable Supreme Court of Pakistan is recommended to be implemented through issuance of a letter deleting para 16 (e) of the Finance Department's letter bearing No.FD.PC-2-1/2001 dated 22nd October, 2001, with effect from the date of its issuance i.e. 22nd October, 2001."

29. The above recommendation of the Committee was accepted by the Government of the Punjab, Finance Department, and was implemented through issuance of a circular letter bearing No.FD-SR-III/4-41/2008 dated 22nd of July, 2014, wherein it was stated:

"I am directed to refer to the subject cited above and to state that in compliance of detailed judgment of the Honourable Supreme Court of Pakistan dated 31.03.2014 in the cases noted in the subject, para 16 (e) of this department's letter No.FD.PC-2-1/2001 dated 22.10.2001 is hereby omitted and shall be deemed to have been so omitted ab initio."

30. The Finance Secretary, Government of the Punjab, after implementation of the said judgment in the aforesaid manner, constituted another Committee, comprising Mr. Khalid Mahmood, Additional Secretary (Regulations), Government of the Punjab, Finance Department, and Mr. Muhammad Akhtar, Treasury Officer-1, Lahore, to explain legal principles leading the Committee to its findings and recommendations as contained in its report to serve as a guide to the Department in such cases in future. This Committee submitted a Supplementary Report which re-confirmed findings and

recommendations of the earlier Report and opined that in view of implementation of the judgment of the Honourable Supreme Court dated 31.03.2014 through circular letter bearing No. FD-SR-III/4-41/2008 dated 22nd of July, 2014, nothing more was required to be done. The Committee dispelled the impression that orders of the Honourable Supreme Court of Pakistan and those of the Honourable Lahore High Court as well as of the Punjab Service Tribunal are simultaneously in field because of dismissal of appeals and petitions of the Government of the Punjab. The Committee concluded that the only order lawfully in field is that of the Honourable Supreme Court.

31. Implementation of the said judgment of the Honourable Supreme Court in the manner aforesaid did not result into doubling of pension + increases in pension at the time of restoration of commuted value of pension as per wishes of the pensioners or conversion of increases in pension already allowed on net pension into increases on gross pension at the time of restoration of commuted value of pension. Aggrieved of this, certain pensioners filed contempt petitions in the Honourable High Court in order to get judgments of the Honourable High Court on the subject implemented.

32. The Honourable Lahore High Court, Lahore, in its order dated 13.11.2014, in the case of Crl. Org. NO. 1699-W/2014, was pleased to direct as under:

“Be that as it may, considering the fact that the judgment of august Supreme Court of Pakistan dated 31.03.2014 is not being complied with by the Finance Department and no plausible explanation has been given why said judgment is not being complied with. **It appears that Finance Department is bluntly violating the judgments of the Supreme Court as well this Court.** It is also submitted that the benefit of this judgment has been extended to other pensioners but the present petitioners are being deprived of the same.

In view of the above matter, let notice of contempt under the Contempt of Court Ordinance, 2003, be issued to the Secretary Finance, Government of the Punjab who will appear in person before this court on the next date of hearing to furnish his explanation why contempt proceedings should not be initiated against him unless, of course, the matter is resolved before the next date of hearing." (Emphasis supplied).

Judgment of the Honourable Supreme Court of Pakistan dated 31.03.2014 referred to hereinabove has been reported as Secretary, Government of Punjab, Finance Department and 269 others versus M. Ismail Tayer and 269 others **(2014 SCMR 1336)**. Judgments of the Honourable Lahore High Court, Lahore, referred to in its order reproduced above, seem to be those reported as Additional Accountant-General Pakistan Revenue, Lahore, versus A.A. Zuberi **(2011 PLC (C.S.) 580)** and Ghulam Yasin versus Accountant-General Punjab and others **(2014 PLC (C.S.) 73)** and other unreported judgments based upon these two judgments.

33. In CrI. Org.NO. 1699-W/2014 and other cases, the Honourable High Court directed the Chief Secretary, and the Finance Secretary, Government of the Punjab, to appear in person in the Honourable Court on 5th of December, 2014. The order of the Honourable Court was complied with. The Honourable Court desired submission of a payment plan in terms of judgment of the Honourable Supreme Court of Pakistan reported as Secretary, Government of Punjab, Finance Department and 269 others versus M. Ismail Tayer and 269 others **(2014 SCMR 1336)**. Accordingly, a payment plan was submitted in the Honourable Court on 10.12.2014, which is reproduced hereinbelow:

"SUBJECT: **PAYMENT PLAN**

Government of the Punjab, Finance Department, will make payments to the eligible pensioners in accordance with

judgment of the Honourable Supreme Court of Pakistan reported as Secretary, Government of Punjab, Finance Department and 269 others versus M. Ismail Tayer and 269 others (2014 SCMR 1336), following payment plan is being submitted before the Honorable Court:

Sr.#	Category of Pensioners	Instal-ment #	Payment Period
1	Who retired prior to 01.07.1991	1 st	01.02.2015 to 28.02.2015
2	Who retired on or after 01.07.1991 to 30.06.1994	2 nd	01.03.2015 to 31.03.2015
3	Who retired on or after 01.07.1994 to 30.11.2001	3 rd	01.04.2015 to 31.05.2015
4	Who retired on or after 01.12.2001 to-date	4 th	01.06.2015 to 30.06.2015

The said plan has been devised keeping in view the available financial resources as well as human resources required to depute and attend to the above mentioned categories of the pensioners in the offices of Accountant General Punjab, Lahore, all District Accounts Officers in the Punjab and Treasury Officers. A complaint cell is also being established to address the grievances of the pensioners.

(YUSUF KHAN)
FINANCE SECRETARY"

Black's Law Dictionary defines 'payment' as follows:

- "1. Performance of an obligation by the delivery of money or some other valuable thing accepted in partial or full discharge of the obligation [Cases; Payment 1. c.j.s. payment 2.]
2. The money or other valuable thing so delivered in satisfaction of an obligation."

Existence of a lawful claim or obligation is a condition precedent for payment from the Provincial Consolidated Fund. The essential steps of a judicial process, said Muhammad Munir, CJ, in Province of East Pakistan v. Md. Mehdi Ali Khan (PLD 1959 SC 387, 409) "are the ascertainment of facts, determination of the law applicable to the facts

found or admitted, an inference as to the existence or otherwise of a right or obligation from the determination of the law and a decision as to the final order to be made in respect of such right or obligation. Since the ultimate object of such process is the enforcement of a right or obligation, every step of the process has a necessary reference to and is limited by that object." Right or obligation, obviously, mean legal right or legal obligation. Thus, a payment becomes due only after its legality is determined first.

34. The Honourable High Court passed the following order on 10.12.2014 in Crl. Org.NO. 1699-W/2014 and other cases:

"This consolidated order shall decide the instant petition, as well as, petitions mentioned in **Schedule A** to this order as common questions of law and facts arise in these cases.

2. Mr. Ashtar Ausaf, Advocate, has tendered appearance on behalf of Finance Secretary, Government of the Punjab and has placed on record **"Payment Plan"** dated 09.12.2014 which gives various categories of pensioners and the time frame when payments shall be made to them.
3. Learned counsel for the petitioners have also gone through the contents of the said **"Payment Plan"** and are satisfied with the same. The said "Payment Plan" has been placed on the record as **"Mark-A"**. Therefore, the instant petition, as well as, petitions mentioned in **Schedule A** to this order are disposed of in the light of the above **"Payment Plan"**.
4. In case any violation of the **"Payment Plan"** the petitioners are free to approach this Court for the redressal of their grievance after first exhausting their remedy before the Complaint Cell constituted under the aforesaid letter."

35. A combined reading of orders of the Honourable High Court dated 13.11.2014 and 10.12.2014 in Crl. Org.NO. 1699-W/2014 and other cases reveals that whereas order dated 13.11.2014 speaks of violation of the judgments of the Honourable Supreme Court and of the Honourable Lahore High Court, the order dated 10.12.2014 shows satisfaction of counsels of the petitioners as well as of the Honourable Court on a payment plan only in accordance with judgment of the Honourable Supreme Court and not in accordance with judgments of the Honourable High Court on the subject. In this view of the matter, the question requiring determination is simple: what actions are required to be taken in terms of judgment of the Honourable Supreme Court of Pakistan dated 31.03.2014 and whether those actions have already been taken by the Government of the Punjab, Finance Department or not?

36. Supplementary Report of the Committee, referred to in paragraph 30 of this letter, explains, in para 7 at pages 91-135 of that Report, ratio decidendi of leading judgments rendered by five-judge benches of the Honourable Supreme Court of Pakistan on the subject of pension, doctrine of separation of powers, principle of merger and leading judgments of Supreme Court of India on the subject, rule of departmental construction, principles applicable to interpretation of documents / judgments, principle of avoidance of absurd results to flow from interpretation etc. Besides reiterating what has been stated at those pages 91-135, which may, kindly, be read as an integral part of this letter, it is concluded that as per dictum of law laid down by the Honourable Supreme Court of Pakistan in its judgment reported as Secretary, Government of Punjab, Finance Department and 269 others versus M. Ismail Tayer and 269 others **(2014 SCMR 1336)**, pension, including restoration of commuted portion thereof, is payable as prescribed in the applicable rules and increases in pension are admissible only as, from time to time, sanctioned by the Government. In other words, neither increases in pension sanctioned on net pension can be converted into increases on gross pension nor restoration of commuted portion of pension means doubling of what is being drawn as pension+increases in pension on the date of restoration. Any claim for conversion of increases already allowed on net pension into increases on gross pension and/or doubling of

pension+increases in pension on the date of restoration is not legally tenable, inter alia, for the reasons given hereinbelow:

- a) The principle of merger prescribes that if judgment or order of an inferior court is subjected to an appeal or revision by a superior court and in such proceedings the order or judgment is passed, after contested hearing, by the superior court determining rights and obligations of the parties, it would supersede the order or judgment passed by the inferior court. The juristic justification for such doctrine of merger is based on the common law principle that *there cannot be, at one and the same time, more than one operative order governing the same subject matter* and the judgment of the inferior court stands substituted with the judgment of the superior court. In such a case, only the judgment of the superior court is capable of execution, irrespective of the fact whether order of the lower court is affirmed, reversed or modified. Since, in the instant case, the Honourable Supreme Court, after hotly contested and lengthy hearing, has itself determined rights and obligations of the contesting parties through an express and executable order, supported by reasons therefor, no other order is lawfully in the field and since that order stands duly implemented through re-allowing facility of restoration of commuted value of pension on expiry of the period of commutation, therefore, no further action is required to be taken as the orders appealed against do not exist in eyes of law. To the extent of the Government of the Punjab, judgments of the Honourable Lahore High Court, Lahore, reported as Additional Accountant-General Pakistan Revenue, Lahore, versus A.A. Zuberi **(2011 PLC (C.S.) 580)**, Ghulam Yasin versus Accountant-General Punjab and others **(2014 PLC (C.S.) 73)**

and judgment in Writ Petition No. 7283/13 and other similar judgments stand substituted with judgment of the Honourable Supreme Court of Pakistan dated 31.03.2014 and since that judgment of the Honourable Supreme Court has fully and faithfully been implemented, therefore, there arises no question of implementation of the judgments appealed against which are no longer in existence in view of the appellate order **(2014 SCMR 1336)**.

Submissions at para 35 of this letter also support the above conclusions.

(Excerpts on the subject of principle of merger from paragraph 7 of the Supplementary Report of the Committee, referred to in paragraph 30 of this letter, have been reproduced at **Annex-A** to serve as ready reference which may, kindly, be read as an integral part of this letter).

- b) There are two conditions precedent to justify doubling of pension + increases in pension on the date of restoration of commuted value of pension, which are as follows:
- i. No increase in pension would have been allowed on commuted portion of pension from date of commencement of pension till date of restoration; and
 - ii. It is legally established that the Government is not competent to sanction increases on net pension and increases in pension are compulsorily required to be on gross pension.

As regards condition 'i' hereinabove, it is an admitted fact that all increases in pension sanctioned up to the year 1999 were on gross pension and not on net

pension. Prior to the year 2001 (last increase on gross pension was sanctioned in the year 1999; there was no increase in pension in the year 2000; and first increase on net pension was sanctioned in the year 2001), for the purpose of admissibility of increase in pension, the term 'pension' was used to be defined as "pension means gross pension (i.e. pension before commutation and / or surrender of 1/4th thereof) plus dearness / ad hoc increases in pension sanctioned from time to time, where admissible." Thus, up to the year 1999, for the purpose of calculation of increases in pension, commuted portion of pension was also used to be taken into consideration. As an unavoidable consequence of this finding of fact, a pensioner, who has been given increase on gross pension even once, cannot demand doubling of his pension + increases in pension at the time of restoration of commuted value of pension as such a demand would amount to more than double benefit to a pensioner. Since gross pension includes commuted portion of pension, therefore, increases on commuted portion had already been allowed up to the year 1999. Doubling of pension + increases in pension at the time of restoration of commuted value of pension would multiply this benefit and would perpetuate such multiplication for times to come.

Mr. A.A. Zuberi was allowed 10% increase in his gross pension with effect from 1st of July, 1993 and 20% increase in his gross pension with effect from 1st of July, 1999. Subsequent increases in pension were allowed to him on net pension till July, 2007, whereafter his commuted portion of pension was restored with effect from 31.05.2008 and amounts of gross and net pension became the same and, thus,

all subsequent increases have been sanctioned on gross pension in his case.

It is incorrect to assume that pensioners who opted for commutation of a prescribed part of their pension were deprived increases in pension before restoration of the commuted part of pension. They were given increases in pension in accordance with the formula of calculation of such increases. In no case, they were denied increases in pension.

There seems to be no legal or logical justification to double what was being drawn as pension + increases in pension by Mr. A.A.Zuberi at the time of restoration of commuted value of his pension as increases in gross pension had already been allowed in his case twice.

As regards condition 'ii' hereinabove, suffice is to say that increases in pension are payable in accordance with the order of the Government through which these are sanctioned. It is discretion of the Government to sanction increase in net or gross pension. This principle of law has been settled by the Supreme Court in Civil Appeals Nos. 1305 to 1327 of 2003, re-affirmed in a case reported as **2012 SCMR 106** and has also been upheld in the judgment of the Honourable Supreme Court dated 31.03.2014.

Para 17, reproduced below, of the judgment of the Supreme Court dated 31.03.2014 upholds the legal fiction of net pension for the purpose of calculation of increases in pension:

“The reliance attempted to be placed by the learned Additional Advocate General, Punjab, in the case reported as Akram ul

Haq Alivi (supra) is misconceived. By way of the said judgment, the law as laid down by this Court in Civil Appeals Nos.1305 to 1327 of 2003, has been reiterated and reproduced in-extenso. **The dictum, as laid down is merely that a retired Civil Servant is entitled to the pension as may be prescribed and a decision granting increase in pension has been interpreted by upholding the legal fiction of a net-pension created for the purpose of calculating the increase as granted by the decision under consideration.** (Emphasis supplied).

As per Black's Law Dictionary, 804 (5th ed. 1979), a 'legal fiction' is a fact assumed or created by courts which is then used in order to apply a legal rule which was not necessarily designed to be used in that way. It is a presumption of fact assumed by a court for convenience, consistency, or to achieve justice.

The term "net pension" has only been used in the Finance Department's letter No.FD.PC-2-1/2001 dated 22nd October, 2001, therefore, para 17 of the said judgment refers to the above said letter only. As a logical consequence, "the decision under consideration" as referred to in para 17 of the judgment is the decision as declared in para 16 (f) of the Finance Department's letter No.FD.PC-2-1/2001 dated 22nd October, 2001, (In future, the increase in pension to the pensioners shall be allowed on net pension instead of gross pension.) and not anything else. Since legality of the said para 16 (f) is well-

established, therefore, the Federal Government and all the Provincial Governments in Pakistan have been sanctioning, since 2001, increases in net pension and not on gross pension. The increase in pension sanctioned in 2014 is also on net pension. No court of law in Pakistan has held that the Government is not lawfully competent to sanction increases in pension in accordance with the formula of calculation of amount of such increases determined by the Government. It is not understandable that if a decision of the Government regarding calculation of an increase in pension on net pension exclusive of commuted portion thereof is lawful at all times, then how increases in pension so allowed can be converted into increases on gross pension at the time of restoration of commuted value of pension.

Article 189 of the Constitution provides that any decision of the Supreme Court shall, to the extent that it decides a question of law or is based upon or enunciates a principle of law, be binding on all other Courts in Pakistan. Even *obiter dictum* of the Supreme Court enjoys a highly respected position as if it contains a definite expression of the Court's view on a legal principle or the meaning of a law. Reliance in this regard is placed on the dictum of law laid down in the judgments reported as Maroof Khan v. Damsaz Khan (NLR 1992 Civ. 97), Salah-ud-Din v. The State (PLJ 1990 Cr.C. 270), Malik Muhammad v. Jan Muhammad (1989 CLC 776), Abdul Ghaffar Khan v. Saghir Ahmad Aslam (PLD 1987 Lah. 358), Roshan Ali v. Noor Khan (PLD 1985 SC 228).

The conclusive declarations of the Honourable Supreme Court to the effect (a) "Thus there is no general definition of pension for the purpose of

calculating increase therein and it is to be given the meaning assigned to it in the instrument by which the pension is increased.” and (b) “Since the increase in pension is purely an executive act and is based on a policy, which takes into consideration various factors, including inflation and the Government financial constraints, the amount of increase given to the pensioner by the Notification in question must have been determined on the premise that the same would be payable on net and not gross pension.” are not known to have been withdrawn, amended or novated by the Honourable Supreme Court in a subsequent case.

What is not allowed to be done directly is also not allowed to be done indirectly. If a High Court cannot directly sit in appeal against a dictum of law laid down by the Honourable Supreme Court, it also lacks jurisdiction to do so indirectly. Ordering doubling of what is being drawn as pension + increases in pension at the time of restoration of commuted value of pension amounts to invalidating judgments of the Honourable Supreme Court of Pakistan on the question of increases in pension as referred to hereinabove. The Honourable High Court has no such power under Article 199 of the Constitution. Even a bench comprising three judges of the Supreme Court is not allowed to deviate from a view taken earlier by a bench of three or more judges as has rightly been held in a case reported as *All Pakistan Newspapers Society and others versus Federation of Pakistan and others (PLD 2004 Supreme Court 600)* that:

“We, therefore, hold that the earlier judgment of equal Bench in the High Court on the same point is binding upon the second Bench and if a contrary view had to

be taken, then rest constitution of larger Bench should have been made.

Likewise, above principle has further been reaffirmed in the cases of Babar Shehzad v. Said Akbar (1999 SCMR 2518) and Ardeshir Cowasjee v. Karachi Building Control Authority (1999 SCMR 2883). Relevant para from the latter is reproduced hereinbelow:

".....It may be pointed out that a Bench of the same number of Judges of the same High Court, or of the Supreme Court, cannot deviate from the view of an earlier Bench as rightly has been held in the case of Multiline Associates v. Ardesher Cowasjee and others (PLD 1995 SC 423) (supra) in relation to the High Court."

Condition 'i' relates to a question of fact and condition 'ii' relates to a question of law. In the instant case, both of these conditions precedent have not been met. A judicial order of the Honourable High Court under Article 199 of the Constitution can neither create a fact which is non-existent in reality nor substitute a dictum of law laid down by the Honourable Supreme Court on the question of legality of increases on net pension. It is, therefore, not lawful either to convert increases on net pension into increases on gross pension or to double what is being drawn as pension + increases in pension at the time of restoration of commuted value of pension. It goes without saying that the complainant and the judgments of the Honourable High Court

have not alleged that increases in pension sanctioned by the Government have been denied to any pensioner.

- c) Pension is payable as prescribed in the applicable rules and not on the basis of reasons which may seem to be just and equitable to a court of law. This is the spirit of definition of pension given in Article 260 of the Constitution and is the ratio decidendi of the judgment (**2014 SCMR 1336**) and of the judgment rendered by a five-judge bench of the Supreme Court in I.A. Sharwani's case (**1991 SCMR 1041**) as well as of the case reported as **PLD 2013 Supreme Court 829**. Since the judgment in hand has referred to the I.A. Sharwani's case with approval, therefore, pension is payable in accordance with the applicable legal dispensation and not on any other grounds. No one has alleged that he is not in receipt of pension as prescribed. In absence of such an allegation, there is no live controversy or cause of action to proceed further in the matter. Moreover, no rule applicable to pension has been invalidated by the Honourable Supreme Court in its judgment dated 31.03.2014; therefore, all aspects of pension including restoration of commuted portion of pension are to be regulated exclusively in accordance with existing rules and not otherwise. In the context of Rule 8.12 of the Punjab Civil Services Pension Rules, the term "restored" means the restoration of the right to full pension with the retired civil servant being re-vested; the 'restoration' is with reference to the amount which was in existence before commutation i.e. the amount which was commuted. Since commuted amount is part of pension; hence, its restoration can only be in accordance with the applicable rules. The concepts of restoration of commuted value of pension as contained in the order

appealed against and the appellate order cannot co-exist. The meanings assigned to the term "restored" in the instant judgment of the Honourable Supreme Court are perfectly in agreement with departmental construction of the term. In Muhammad Ali Khan's case (PLD 1958 (WP) Lah. 1), it was held:

"It is also clear that if a particular interpretation has been placed on the rules in the past by authorities who had to apply them to cases as they arose, the court should be reluctant to place a different interpretation unless it came to the conclusion that the interpretation placed by Government for a long time was so palpably wrong that by upholding it the court would be countenancing the perpetuation of an injustice ----- paving the way for similar injustice in the future."

This is called 'departmental construction' which was adopted in Nazir Ahmad v. Pakistan (PLD 1970 SC 453).

The principle of 'departmental construction', as was explained in Haider Automobile v. Pakistan (PLD 1971 SC 623) "applies only in those cases where a rule made by a department is interpreted by it in a particular way, upon the ground that those who have framed the rules are likely to know its intention better than others."

As was said in Muhammad Sadiq v. University of Sindh (PLD 1996 SC 182) that:

"It must also be borne in mind that function of the court under Article 199 of the Constitution is not to exercise an

independent discretion of its own. It must refer to the statutory body's exercise of its discretion unless it finds that the purported exercise of the discretion was ultra vires --."

It has been held in a case reported as CIT v. Taj Mahal Hotel ((1971) 3 SCC 550) that:

"It is well settled that where the definition of a word has not been given, it must be construed in its popular sense if it is a word of everyday use. Popular sense means that sense which people conversant with the subject-matter with which the statute is dealing, would attribute to it."

By extensively defining the term "restored", the Honourable Supreme Court has arrived at conclusions which are in accord with departmental construction of the term as being practiced since decades. In other words, meanings assigned to the term by the Honourable High Court have not been upheld either in the operative order or the reasons recorded in support thereof. The Honourable Supreme Court has, either expressly or by necessary implication, neither approved the idea of doubling of pension + increases in pension at the time of restoration of commuted value of pension nor has allowed conversion of increases allowed on net pension into increases on gross pension at the time of restoration of commuted value of pension. The restoration of commuted value of pension has, therefore, necessarily to be made in accordance of the applicable rules as interpreted by the Honourable Supreme Court.

- d) The discrimination in payment of full pension after expiry of period of commutation, introduced through

para 16 (e) of Finance Department's letter No.FD.PC-2-1/2001 dated 22nd October, 2001, stands discontinued through circular letter No. FD-SR-III/4-41/2008 dated 22nd of July, 2014, issued by the Government of the Punjab, Finance Department. Thus, the discrimination pointed out in para 16 of the judgment of the Honourable Supreme Court (**2014 SCMR 1336**) read with para 19 thereof has been removed. The said para 16 reads as follows:

"Thus, under section 18 of the Act of 1974, a retired Civil Servant is entitled to receive pension as may be prescribed. In case a portion of pension is commuted for a particular period of time, he surrenders his right to receive full pension in lieu of lump-sum payment received by him and on expiry of the commuted period, his right and entitlement to receive full pension, as prescribed, is restored and re-vested in him. The restoration of the right to receive pension in terms of Rule 8.12 of the Rules of 1963, is without any rider and upon re-vesting of such right, the status of such retired Civil Servant in law is brought at par with the other retired Civil Servants, who had not exercised their option by seeking commutation of their pension. Such is the obvious effect of the term "restoration" as used in the Rules in question. In the circumstances, a retired Civil Servant, on expiry of the period of commutation, cannot be discriminated against by being paid less pension, than his colleagues, who had not sought commutation, as there was no valid classification available in law between the two. If the Government were to adopt such a

course of action as has been attempted to be done, it would offend against Article 25 of the Constitution of the Islamic Republic of Pakistan, 1973. Such right in terms of section 18 of the Act of 1974 would obviously mean the pension, **as prescribed by the Rules** payable on the date of restoration and would obviously include any increase in pension granted by the Government during the intervening period of commutation, as such, increase is **envisaged by the Rules.**" (Emphasis supplied).

Here a few words to precisely identify the discrimination. A retired civil servant is entitled to full pension for life. In case, he opts for commutation of a part of his pension for a defined period, he receives pension of the commuted portion in advance for that period. A retired civil servant who does not opt for commutation continues to receive full pension for life. If the civil servant opting for commutation is denied the right of restoration of commuted value of pension after expiry of the defined period, it would imply that he has been given full pension for the period of commutation only and not thereafter. Such creation of two classes of pensioners---one getting full pension for life and the other getting full pension for a defined period only- is without lawful justification. After expiry of the defined period, the civil servant opting for commutation would be in receipt of less amount as pension (*here pension means 'full pension' and does not include increases in pension*) than the one who did not opt for commutation in case right of restoration of commuted value of pension is denied to him. Since the discrimination pointed out by the

Honourable Supreme Court no longer exists, therefore, there remains no mischief requiring a remedy. Moreover, pension and periodic increases in pension are distinctly distinguishable and are regulated through different legal dispensations. Whereas pension is the amount so payable in accordance with the applicable rules, periodic increases in pension are amounts so sanctioned by the Government. The Honourable Supreme Court has held in Civil Appeals Nos. 1305 to 1327 of 2003, subsequently re-iterated in a case reported as **2012 SCMR 106**, that there is no general definition of pension for the purpose of calculating increase therein and it is to be given the meaning assigned to it in the instrument by which the pension is increased. It is well-settled that a periodic increase in pension is a special relief to the pensioners and is not reckonable towards calculation of commutation / gratuity. Prior to 2001, for the purpose of admissibility of increase in pension, the term 'pension' was used to be defined as "pension means gross pension (i.e. pension before commutation and / or surrender of $\frac{1}{4}$ th thereof) plus dearness / ad hoc increases in pension sanctioned from time to time, where admissible." In 2001, pension for the purpose of calculation of increase in pension was defined as "net pension" (inclusive of dearness increases allowed in the past)." Thereafter, for the purpose of calculation of increases in pension, the term 'pension' was defined as "pension being drawn", which means:

- (i) full pension plus periodic dearness/ad hoc increases in pension sanctioned by the Government, from time to time, where admissible, in case the option for

- commutation has not been exercised or the period of commutation has expired; or
- (ii) full pension minus commuted portion thereof plus periodic dearness/ad hoc increases in pension sanctioned by the Government, from time to time, where admissible.

Thus, the term "pension" as defined in the Constitution, rules and judgments of the superior courts in Pakistan and as appearing in executive orders of the Government concerning periodic increases in pension are two distinctly different terms and are required to be assigned precise meanings intended to be assigned to them in the context in which these are used. Thus, upon restoration of 50% commuted portion of pension, the pension stands doubled in accordance with the applicable rules but doubling of pension does not necessarily require doubling of increases in pension or increases on gross pension instead of net pension or pension being drawn.

What the Government has to implement is the order of the Honourable Supreme Court. The reasons given in support of the order are for facilitation in understanding true import of the order. Since the order in the instant case concerns only restoration of commuted portion of pension, therefore, reasons must be understood in that context only.

- e) Since the Honourable Supreme Court has not upheld, in the judgment reported as Secretary, Government of Punjab, Finance Department and 269 others versus M. Ismail Tayer and 269 others (**2014 SCMR 1336**), jurisdiction of the Honourable High Court concerning any matter enumerated in Article 212 of

the Constitution and the Punjab Service Tribunals Act, 1974, therefore, orders of the Honourable High Court on the question of pension are orders without jurisdiction, hence, void and of no legal effect. Implementation of orders of the Honourable High Court concerning matters enumerated in Article 212 of the Constitution is not lawfully permissible through initiation of contempt of court proceedings as has been held by the Honourable Supreme Court of Pakistan in a case reported as Province of the Punjab through Secretary Health versus Dr. S. Muhammad Zafar Bukhari (**PLD 1997 Supreme Court 351**). The Honourable High Court has to adjudicate upon the cases brought before it in accordance with law as laid down by the Honourable Supreme Court, referred to hereinabove, and not otherwise, therefore, the Honourable High Court cannot proceed further in the matter for want of jurisdiction. It goes without saying that a person cannot be proceeded against for disobedience of an order issued without jurisdiction. The judgment of the Honourable Supreme Court referred to hereinabove needs to be seen in the light of Article 189 of the Constitution which provides that any decision of the Supreme Court shall, to the extent that it decides a question of law or is based upon or enunciates a principle of law, be binding on all other Courts in Pakistan. The Honourable Supreme Court in para 7 of the instant judgment has referred to a judgment reported as Government of Punjab, through Secretary Education, Civil Secretariat, Lahore and others v. Sameena Parveen and others (**2009 SCMR 1**) wherein it has been held that a decision of the Tribunal or of the Supreme Court in respect of service matters is binding. By holding so, it has been impliedly held that no entity, including

the Honourable High Court, other than the Tribunal or the Supreme Court is competent in matters enumerated in Article 212 of the Constitution.

- f) The judgment reported as Additional Accountant-General Pakistan Revenue, Lahore, versus A.A. Zuberi **(2011 PLC (C.S.) 580)** relates to federal pensioners and, therefore, is not applicable to pensioners of the Government of the Punjab. Moreover, this judgment has been rendered without jurisdiction and, hence, is of no legal effect. It was made applicable to provincial pensioners without full application of judicial mind. Petitions for grant of leave to appeal against the above judgment and against a judgment of the learned Federal Service Tribunal based upon the above judgment were filed by the Federal Government in the Honourable Supreme Court. The leave to appeal was declined against the judgment of the Honourable High Court for the reason of being time-barred. The petition for leave to appeal against judgment of the learned Service Tribunal was dismissed on the ground that no question of law of public importance within the meaning of Article 212 (3) of the Constitution had been pointed out.

If the petition seeking grant of leave to appeal is dismissed, it is an expression of opinion by the Honourable Supreme Court that a case for invoking appellate jurisdiction of the Court was not made out. When a leave petition is dismissed, the Honourable Supreme Court does not comment on the correctness or otherwise of the order from which leave to appeal is sought. What the Court means is that it does not consider it to be a fit case for exercising its discretionary appellate jurisdiction. A petition seeking grant of leave to appeal may be rejected for several

reasons. For example, it may be rejected (i) as barred by time, (ii) being a defective presentation, (iii) the petitioner having no locus standi to file the petition, (iv) the conduct of the petitioner disentitling him to any indulgence by the Court, (iv) the question raised by the petitioner for consideration by Court being not fit for consideration or deserving being dealt with by the apex court of the country and so on. The Honourable Supreme Court cannot and does not reverse or modify the decree or order appealed against while deciding a petition for leave to appeal. What is impugned before the Honourable Supreme Court can be reversed, affirmed, novated or modified only after granting leave to appeal and then assuming appellate jurisdiction over it. If the order impugned before the Honourable Supreme Court cannot be reversed, affirmed, novated or modified at the petition for leave to appeal stage, obviously that order cannot also be reversed, affirmed, novated or modified at the petition for leave to appeal stage. The order refusing leave to appeal is final in the sense that once a leave petition is dismissed, whether by a speaking or non-speaking order or whether in limine or on contest, second leave petition would not lie. Mere rejection of a petition for leave to appeal does not take away the jurisdiction of the court, tribunal or forum whose order forms the subject matter of petition for leave to appeal to review its own order if grounds for exercise of review jurisdiction are shown to exist.

- g) If it is assumed, for the purpose of argument, that the order appealed against is intact because it has been upheld in the appellate order, and that appellate order has not properly been implemented, then proper forum for further necessary action is the

Honourable Supreme Court and not the Honourable High Court in the instant case.

- h) Your case has been examined in some detail. You retired in BS.17 on 29.02.1988. Your pension was calculated in accordance with applicable rules. Your full pension came to Rs. 2802.45. Had you not opted for commutation, your take-home on account of pension + increases in pension today would have been Rs. 38,113 per month.

You opted for commutation of 50% of your pension and received Rs. 384905/ as commuted value of pension. You received increases in pension as sanctioned from time to time by the Government and are entitled to receive Rs. 29,883 per month today.

If the amount received as commuted value of pension had been invested and reinvested in the Defence Savings Certificates, it would have become Rs. 11,228,506/ on expiry of period of commutation. Investment of this amount in monthly income schemes of the Directorate of National Savings can yield Rs. 130,559/ per month making income from pension + increases in pension + return on assets created out of commuted value of pension Rs. 160,442 per month (Rates of interest actual).

If your pension + increases in pension are doubled on the date of restoration of commuted value of pension, you would be in receipt of Rs. 184,885/ per month. Details have been worked out at **Annex-B** which, in addition to calculations of your case, also contains cases of nine other complainant pensioners.

The learned Federal Service Tribunal, Islamabad, in its judgment in Appeal No. 495(R) CS/2003) held as under:

“When considered in the backdrop of the generous dispensation in all the previous increases on gross pension, a reversal thereof in 2001 apparently looks odd. There was, however, a logical justification in allowing increase on net pension instead of gross pension as latter included the commuted portion which, in turn, had actually been bought over by the Government for a lump sum compensation and the Government decided not to pay increase on the portion the ownership of which had been transferred to it as it would have involved increases to be allowed in addition to the compensation paid already.”

It would be a textbook example of discrimination against pensioners not opting for commutation if pension + increases in pension of those who opt for commutation are doubled at the time of restoration of commuted value of pension. It would also be an act of discrimination if pensioners opting for commutation and getting guaranteed return on commuted value of pension are brought at par, at the time of restoration, in terms of amount of pension + increases in pension, with those who do not opt for commutation. Such type of injustice and discrimination would result into opening of unending rounds of fresh litigation on the subject.

- i) If it is assumed that the orders appealed against have been upheld and have not been novated by the Honourable Supreme Court, then necessary results

which may flow from this assumption may, inter alia, be as follows:

- Restoration of commuted portion of pension shall not be as prescribed in the rules but as deemed to be appropriate by the Honourable High Court.
- Increases in pension can be sanctioned only on gross pension and not on net pension.
- The Honourable High Court is at liberty to decide cases brought before it under Article 199 of the Constitution in accordance with what appears to it to be just and equitable and not according to existing applicable law and by ignoring ratio decidendi of judgments rendered by the Honourable Supreme Court of Pakistan referred to hereinabove.

Article 199 of the Constitution, inter alia, authorizes the Honourable High Court, on application of an aggrieved person or party, to refrain a person from doing anything he is not permitted by law to do, or to do anything he is required by law to do or to declare that any act done by him is without lawful authority and is of no legal effect. Powers of the Honourable High Court under Article 199 are judicial, not legislative and executive. The courts have not been designed or structured to legislate or substitute existing legislation with their own choices as they lack requisite institutional capacity and skills. The Honourable High Court is not a policy-making or legislative body. Whereas the Courts may examine legality of policy decisions in appropriate cases, they cannot interfere in legislation/ policy-formulation

and cannot judge reasonability or wisdom of one or the other legislative / policy option in a given situation. The doctrine of separation of powers envisages that the legislature should make law, the executive should execute it, and the judiciary should settle disputes in accordance with the existing law. As per dictum of law laid down in the judgments reported as *Muhammad Farid Khatak v. Chief Secretary, Government of NWFP and others* (2009 SCMR 980) and *Government of Pakistan v. Messrs Indo-Pakistan Corporation Ltd. etc.* (PLD 1979 Supreme Court 723), the Honourable High Court cannot interfere in policy matters in exercise of its jurisdiction under Article 199 of the Constitution. The practical effect of separation of powers is that the legislature cannot exercise executive or judicial power, the executive cannot exercise legislative or judicial power and the judiciary cannot exercise legislative or executive power.

It has been held by the Honourable Supreme Court of Pakistan in a case reported as 1997 SCMR 141 that:

“Our Constitution is a Federal Constitution and provides for a Federal structure. Though there is no strict adherence to the concept of separation of powers, which is a well-known fundamental political principle in many modern democracies, yet, there can be discerned the vesting of the legislative, the executive and the judicial powers in

three separate organs. And, as in America, from this separation "is derived the doctrine that certain functions, because of their essential nature, may properly be exercised by only a particular branch of Government; that such functions cannot be delegated to any other branch; and that one department may not interfere with another by usurping its powers or by supervising their exercise". (American Constitutional Law by A. Thomas Mason and William M. Beaney, Fourth Edition, p.55). In the words of the great Chief Justice Marshall in "McCulloch v. Maryland" (17 U.S. (4 Wheat), 316, 4 L.Ed. 579) "This Government is acknowledged by all, to be one of enumerated powers. The principle, that it can exercise only the powers granted to it, would seem too apparent; that principle is now universally admitted". From McCulloch also emerges the principle that within the sphere of its enumerated powers, each organ of Government is supreme. Even the Constitutions on the 'Westminster model' which is a convenient term used to describe Constitutions which have their origin in an Act of Parliament at Westminster or an Order in Council, deal, as does our Constitution, under separate Chapter headings with the Legislature, the executive and the judicature. As was said by Lord Diplock in 'Hinds v. The Queen' (1977 AC 195,

212) these Constitutions "embody what is in substance an agreement reached between representatives of the various shades of political opinion in the State as to the structure of the organs of Government through which the plenitude of the sovereign power of the State is to be exercised in future. All of them were negotiated as well as drafted by persons nurtured in the tradition of that branch of the common law of England that is concerned with public law and familiar in particular with the basic concept of separation of legislative, executive and judicial power as it had been developed in the unwritten Constitution of the United Kingdom". Thus, in the sense that the legislative, the executive and the judicial powers are vested in three separate organs, the basic concept of separation of powers is recognized even in the unwritten Constitution of the United Kingdom."

On November 18, 2012, Sardar Mohammad Raza, a former Supreme Court judge, wrote a very persuasive and insightful article on the concept of 'independence of judiciary' in The Express Tribune, Lahore, stating therein that:

"Judges are expected to do justice in accordance with the law and not by making the law."

Chief Justice Michael Wolff of the US state of Missouri in 2006 rightly said:

“Independence (of judiciary), quite frankly, is both overused and misunderstood. It should not be interpreted, either by the public or by any judge, to mean that a judge is free to do as he or she sees fit.”

It has been held in cases reported as Federation v. Saeed Ahmad (PLD 1974 SC 151, 165) and Sabir Shah v. Shad Muhammad (PLD 1995 SC 66, 256), that:

“The written Constitution is the source from which all governmental power emanates; it defines its scope and ambit so that each functionary should act within his respective sphere. No power can, therefore, be claimed by any functionary, which is not to be found within the four corners of the Constitution nor can anyone transgress the limits therein specified. The essential point is that the Constitution is the paramount law and the authority which different organs created by it exercise is derived authority, that is, derived from the Constitution.”

It has further been held by Chief Justice Hamood-ur-Rehman in a case reported as PLD 1974 SC 151, 165 that:

“The courts are the creatures of the Constitution; they derive their powers and jurisdiction from the Constitution and must confine themselves within the limits set by the Constitution.”

Justice Roberts of the US Supreme Court has held in a case reported as *US v. Butler* 297 US 1 (1936) that:

“All the court does, or can do, is to announce its considered judgment upon the question. The only power it has, if such it may be called, is the power of judgment. This court neither approves nor condemns any legislative policy. Its delicate and difficult office is to ascertain and declare whether the legislation is in accordance with, or in contravention of, the provisions of the Constitution and having done that, its duty ends.”

Justice Frankfurter held in a case reported as *Baker v. Carr* (369 US 186) that:

“As a member of this court, I am not justified in writing my private notions of policy into the Constitution, no matter how deeply I may cherish them or how mischievous I may deem their disregard-----.”

Mr. Shubhankar Dam of the National University of Judicial Sciences, India, in his comments (2005 Public Law 239) on a case reported as *Vineet Narain v. Union of India* (AIR 1998 SC 889) observed as under:

“Vineet Narain exemplifies the Indian Supreme Court’s contempt for limitations, constitutional or otherwise, in fulfilling what it sees as the rightful task of the judiciary. The

'creative' activism of the Supreme Court in the 1980s has now evolved into a form of judicial arrogance-----.

By choosing 'justice' over 'law' in the quest for legitimacy as a people's institution, judges have driven the final nail in the coffin of the very Constitution they are under oath to uphold, preserve and protect....."

In *Duport Steels v. Sirs* {(1980) 1 All ER 529} Lord Scarman held as follows:

"My basic criticism of all three judgments in the Court of Appeal is that in their desire to do justice the court failed to do justice according to law".

- Powers enumerated in Article 240 of the Constitution are available to the Honourable High Court while exercising its jurisdiction under Article 199 of the Constitution;
- A three-member bench of the Honourable Supreme Court can reverse ratio decidendi of a case decided by a five-member bench or that of a bench comprising three judges of the Honourable Supreme Court;
- Departmental construction of rules can be invalidated by courts of law on grounds other than legal ones.

Since the above results are not attributable to a superior court, therefore, it is concluded that these do not flow from the instant case and the ratio decidendi of the appellate order holds the field. It would be a clear contempt of the Honourable Supreme Court if the Government

adopts a course of action which militates against ratio decidendi of the judgment of the Honourable Supreme Court dated 31.03.2014.

37. In view of, inter alia, what has been stated hereinabove, this Complaint Cell regrets its inability to agree to your demands regarding pension and increases in pension. Refusal of the office of the Accountant General, Punjab, to allow pension otherwise than in accordance with the applicable rules and increases in pension in violation of the orders of the Government of the Punjab, Finance Department, through which such increases were sanctioned, is hereby declared to be lawful.

38. If you are not in receipt of pension and increases in pension as per calculations given at **Annex-B**, you may approach the Treasury Officer, Lahore, to get the needful done.



(**Rafiq Ahmad**)

Chief Inspector of Treasuries & Accounts
Government of the Punjab
Finance Department
4-Lytton Road, Lahore



(**Muhammad Akhtar**)

Treasury Officer-1
Treasury Office
Zila Katchery
Lahore

C.C.:

1. The Secretary, Government of the Punjab, Finance Department.
2. The Accountant General Punjab, Lahore.
3. All the District Accounts Officers in the Punjab/Treasury Officers, Lahore.

ANNEX-A

Subject: **EXCERPTS ON THE SUBJECT OF PRINCIPLE OF MERGER FROM PARAGRAPH 7 OF THE SUPPLEMENTARY REPORT OF THE COMMITTEE**

- e. Both in case of orders of the Honourable High Court under Article 199 and those of the learned Punjab Service Tribunal, no right of appeal is conferred upon any party; only a discretion is vested in Honourable Supreme Court to interfere by granting leave to an applicant to enter in its appellate jurisdiction not open otherwise and as of right. If the petition seeking grant of leave to appeal is dismissed, it is an expression of opinion by the Honourable Supreme Court that a case for invoking appellate jurisdiction of the Court was not made out. When a leave petition is dismissed, the Honourable Supreme Court does not comment on the correctness or otherwise of the order from which leave to appeal is sought. What the Court means is that it does not consider it to be a fit case for exercising its discretionary appellate jurisdiction. A petition seeking grant of leave to appeal may be rejected for several reasons. For example, it may be rejected (i) as barred by time, (ii) being a defective presentation, (iii) the petitioner having no locus standi to file the petition, (iv) the conduct of the petitioner disentitling him to any indulgence by the Court, (iv) the question raised by the petitioner for consideration by Court being not fit for consideration or deserving being dealt with by the apex court of the country and so on. The Honourable Supreme Court cannot and does not reverse or modify the decree or order appealed against while deciding a petition for leave to appeal. What is impugned before the Honourable Supreme Court can be reversed, affirmed, novated or modified only after granting leave to appeal and then assuming appellate jurisdiction over it. If the order impugned before the Honourable Supreme Court cannot be reversed, affirmed, novated or modified at the petition for leave to appeal stage, obviously that order cannot also be reversed, affirmed, novated or modified at the petition for leave to appeal stage. The order refusing leave to appeal is final in the sense that once a leave petition is

dismissed, whether by a speaking or non-speaking order or whether in limine or on contest, second leave petition would not lie. Mere rejection of a petition for leave to appeal does not take away the jurisdiction of the court, tribunal or forum whose order forms the subject matter of petition for leave to appeal to review its own order if grounds for exercise of review jurisdiction are shown to exist. A petition for leave to appeal to the Honourable Supreme Court may be dismissed by a non-speaking order or by a speaking order. Whatever be the phraseology employed in the order of dismissal, if it is a non-speaking order, i.e. it does not assign reasons for dismissing the leave petition, it would neither attract the doctrine of merger so as to stand substituted in place of the order put in issue before it nor would it be a declaration of law by the Honourable Supreme Court under Article 189 of the Constitution for there is no law which has been declared. If the order of dismissal be supported by reasons then also the doctrine of merger would not be attracted because the jurisdiction exercised was not an appellate jurisdiction but merely a discretionary jurisdiction refusing to grant leave to appeal. Still the reasons stated by the Honourable Supreme Court would attract applicability of Article 189 of the Constitution if there is a law declared by the Honourable Supreme Court which obviously would be binding on all the courts and tribunals in Pakistan and certainly the parties thereto. The order of Honourable Supreme Court would mean that it has declared the law and in that light the case was considered not fit for grant of leave. The declaration of law will be governed by Article 189 but still, the case not being one where leave was granted, the doctrine of merger does not apply. The Court sometimes leaves the question of law open. Or it sometimes briefly lays down the principle, may be, contrary to the one laid down by the Honourable High Court and yet would dismiss the leave petition. The reasons given are intended for purposes of Article 189. This is so done because in the event of merely dismissing the leave petition, it is likely that an argument could be advanced in the Honourable High Court that the Honourable Supreme Court has

to be understood as not to have differed in law with the Honourable High Court. Dismissal of petition for leave to appeal without a speaking order does not amount to confirmation by Honourable Supreme Court of the order against which leave was sought for. The order appealed against remains intact and legally enforceable until another legal remedy provided by or under a law is availed to get the same order set aside or modified by an appellate forum other than the Honourable Supreme Court of Pakistan. Rejection of petition for leave to appeal by the Honourable Supreme Court does not prohibit another legal forum to exercise its appellate or revisional jurisdictions if grounds for the same exist. It is immaterial whether the leave refusing order was speaking or non-speaking.

- f. Once a leave petition has been granted, the doors for the exercise of appellate jurisdiction of the Honourable Supreme Court have been let open. The order impugned before the Honourable Supreme Court becomes an order appealed against. It is only when leave to appeal is granted, then the finality of the decree or order under challenge is jeopardised as the pendency of appeal reopens the issues decided and the Honourable Supreme Court is then scrutinising the correctness of the decision in exercise of its appellate jurisdiction. In *Shankar Ramchandra Abhyankar Vs. Krishnaji Dattatraya Bapat* (**AIR 1970 SC 1**), Supreme Court of India, vide para 7, has emphasized three pre-conditions attracting applicability of doctrine of merger. They are: i) the jurisdiction exercised should be appellate or revisional jurisdiction; ii) the jurisdiction should have been exercised after issue of notice; and, iii) after a full hearing in presence of both the parties. Any order passed after fulfilling these conditions would be an appellate order and would attract the applicability of doctrine of merger. It would not make a difference whether the order is one of reversal or of modification or of dismissal affirming the order appealed against. If appeal is dismissed through a non-speaking order or dismissal is simplicitor, it is understood that the Supreme Court has

upheld the order appealed against but if the order is speaking and gives reasons of the order and the order is at variance with the order appealed against, then the order of the Supreme Court extincts and substitutes the order appealed against and becomes the only order enforceable at law. When an order appealed against is modified or novated by the Supreme Court and that modification or novation is not a prayer of the appeal, the modification or novation would operate as dismissal of the appeal, whether expressly or by necessary implication, as the Honourable Supreme Court, in that case, does not decide to accept the appeal in its totality but in view of its own order, which is at variance with the order appealed against, also does not uphold the order appealed against. Legal principles governing the cases of dismissal simplicitor- cases in which appeal is dismissed and no order or an order at variance with the order appealed against is given by the Honourable Supreme Court- of an appeal would not apply to a case where the Honourable Supreme Court has determined rights of the parties after contested hearing and has given its judgment which is at variance with the order appealed against. If prayer of the appeal is to set aside the order appealed against and not a novation or modification of the order by the Honourable Supreme Court, the order appealed against cannot be novated or modified by the Honourable Supreme Court without dismissing the appeal. In such a case where appeal is dismissed and the order appealed against is novated or modified by the Honourable Supreme Court, it would be against reason and logic to argue that consequences flowing from dismissal simplicitor should also be applicable. In such cases, the only order capable of implementation is order of the Honourable Supreme Court.

- g. If the Honourable Supreme Court decides an appeal after contested hearing, the principle of merger applies irrespective of the fact whether appeal has been accepted, dismissed or the order appealed against has been modified or novated. In all of the above cases, the order appealed against disappears and is

substituted with the order of the Honourable Supreme Court. It cannot be said that the order appealed against remains intact and lawfully enforceable because it stands merged in the order of the Honourable Supreme Court. If that be the case, what will be the position of an order appealed against in case appeal is allowed or the order is modified or novated and the appellate order and the order appealed against cannot co-exist and cannot be implemented simultaneously? The principle of merger recognizes existence of only the appellate order on an issue at a given point of time and non-existence of the order appealed against. If appeal is dismissed without fresh determination of rights of the opposing parties in a case by the Honourable Supreme Court and without any modified or novated order of its own i.e. in case of dismissal simplicitor, it is the appellate order which remains lawfully in the field and because of the reason that through dismissal simplicitor the Honourable Supreme Court has upheld the order appealed against, the order appealed against becomes order of the Honourable Supreme Court. It is in this context that the Honourable Supreme Court has held in a case reported as Nasrullah Khan and others versus Mukhtar-ul-Hassan and others **(PLD 2013 Supreme Court 478)** that:

“When a judgment and decree of a court below was assailed in appeal or revision before the higher forum and it was affirmed by such (higher) forum, the decree/order of the forum below merged into the decree of the higher forum, meaning thereby, that it was integrated, implanted, inculcated, infixed and instilled into the decree of the higher forum and became the decree/order of the higher forum for all legal intents and purposes.”

The law declared by the Honourable Supreme Court of Pakistan in the aforesaid case cannot be applied to cases where appeal is accepted or the appeal is dismissed but the order appealed against is modified or novated or where the appellate order and the order appealed against cannot co-exist.

h. The case in hand is a unique case and no precedent on the subject has been discovered by the Committee despite effort. Out of 270 cases, leave to appeal was granted by the Honourable Supreme Court in some cases and in other cases, petitions for leave to appeal were kept pending. Besides novating the orders appealed against, petitions for leave to appeal and the appeals have been dismissed in the instant judgment. Here petitions also include petitions of a number of pensioners who applied for becoming party to the cases to defend orders of the Honourable High Court and that of the learned Punjab Service Tribunal. As has been observed hereinabove in this report, principle of merger does not apply in cases where petitions for leave to appeal are dismissed. In such an eventuality, the order appealed against remains lawfully intact and does not get substituted with the leave refusing order of the Honourable Supreme Court. In case of disposal of appeals, the principle of merger applies whether disposal is through acceptance or rejection of the appeal or modification or novation of the order appealed against. It has been observed in this report that principles applicable to interpretation of documents are also applicable to interpretation of judgments. One of principles of interpretation of documents is to avoid absurd conclusions. Following reasoning of Mr. Francis Bennion in his book "Bennion on Statutory Interpretation" (Fifth Edition), at page 969, it can be assumed that the Honourable Supreme Court does not intend 'absurd' consequences to flow from the application of its judgments. In this context, 'absurd' means contrary to sense and reason. The presumption leads to avoidance by the interpreter of six types of undesirable consequence: an unworkable or impracticable result, an inconvenient result, an anomalous or illogical result, a futile or pointless result, an artificial result, and a disproportionate counter-mischief. Applying these principles on the judgment in hand, it would be illogical and impracticable to conclude that the orders appealed against are lawfully intact and operative in

cases where petitions for leave to appeal have been dismissed because principle of merger is not attracted in these cases and the orders appealed against stand novated with order of the Honourable Supreme Court of Pakistan in cases in which appeals have been dismissed. Since questions of fact and law in both appeals and petitions for leave to appeal are exactly identical, it would be absurd to apply principle of merger only on appeals and not on petitions for leave to appeal. Though known case-law does not recognize application of principle of merger on petitions for leave to appeal but such a unique situation, as is in the case in hand, is not known to have been considered in the past by the Honourable Supreme Court of Pakistan. To avoid absurd consequences to flow from the instant judgment, we may construe that in the unique situation as is in this case because of identical points of fact and law and even the party on one side of the cases being the same, the principle of merger would also apply in case of petitions for leave to appeal. Resultantly, the orders appealed against are assumed to have been substituted and novated with order of the Honourable Supreme Court both in case of appeals and petitions for leave to appeal in the instant case. This conclusion is in line with the reasoning of the judgment in hand of the Honourable Supreme Court wherein it has been held as under:

“Be that as it may, one of the Civil Appeals i.e. Civil Appeal No.971 of 2012, arises from the judgment passed by the learned Tribunal to which no such objection has been taken by the appellants and any adjudication thereupon qua the legal issues involved and rights affirmed would enure to the benefit of all other retired Civil Servants placed in similar circumstances including all the respondents, as has been repeatedly held by this Court inter alia by the judgment, reported as Government of Punjab, through Secretary Education, Civil Secretariat, Lahore and others v. Sameena Parveen and others (2009 SCMR 1).”

i. -----.

j. Operative part of judgment in the case reported as A.A. Zuberi versus Additional Accountant-General Pakistan Revenue, Lahore **(2010 P L C (C.S.) 1211)** is as follows:

“For the reasons mentioned above, I see the impugned action by the authorities as highly indiscriminate and violative of the rights of the civil servants and therefore declare the same without lawful authority, having no legal effect, and direct the respondents to calculate the petitioner's revived pension amount reflecting the total increases from the date of expiry of period of 15 years i.e. with effect from 31-5-2008 and pay the arrears of the said period to the petitioner. However, the petitioner shall not be entitled for any increase prior to 31.5.2008 i.e. the period of 15 years maturity.”

The appeals against the above judgment were dismissed by the Honourable Division Bench of the Lahore High Court, Lahore, vide judgment reported as Additional Accountant-General Pakistan Revenue, Lahore versus A.A. Zuberi **(2011 PLC (C.S.) 580)**, operative part thereof is as under:

“22. We, therefore, hold that under Rule 3.29 of the Pension Rules (supra) the restoration of pension means the pension due to a retired civil servant in that year inclusive of all the increments till that time (i.e. accumulated over the last 15 years in this case). In other words it would simply be double the amount of 50% pension the respondents are already drawing. These appeals are, therefore, dismissed. The order of the learned Single Judge is modified/clarified in the above terms.”

In the above case, though appeals were dismissed but the appellate order substituted the order appealed against. After decision by the Division Bench, the order appealed against is non-existent. In the same manner, after announcement of judgment by the Honourable Supreme Court in the instant case, the orders appealed against have been substituted with orders of the Honourable Supreme Court by operation of the principle of merger."

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ANNEX-B

SUMMARY/ABSTRACT

Sr.#	Name of Pensioner	PPO No.	Gross Pension	Net Pension	Commutation Rceived	Net Worth of Investment at the Time of Restoration	Present Pension on 07/2014	Monthly Income from Investment	Monthly Takehome Income (Pension+ Investment)	Double Pension on 07/2014	Monthly Income from Investment	Monthly Takehome Income (Pension+ Investment)	Full Pension on 07/2014
1	Muhammad Ishaq	193937	2,802.45	1,401.23	384,905.00	11,228,506.00	29,883.00	130,559.00	160,442.00	54,326.00	130,559.00	184,885.00	38,113.00
2	Ch. Muhammad Hafeez Ullah	204486	3,969.35	1,984.67	368,313.00	3,378,461.00	53,985.00	28,076.00	82,061.00	76,945.00	28,076.00	105,021.00	54,454.00
3	Rao Deewan Muhammad	196362	2,896.00	1,448.37	263,084.00	2,413,217.00	35,341.00	20,271.00	55,612.00	50,989.00	20,271.00	71,260.00	36,808.00
4	Abdul Ghafoor	205523	646.28	323.14	85,561.00	2,337,522.00	7,745.00	29,920.00	37,665.00	14,838.00	29,920.00	44,758.00	9,269.00
5	Atta Muhammad	207687	1,315.18	659.59	132,511.00	1,577,808.00	17,511.00	15,147.00	32,658.00	26,476.00	15,147.00	41,623.00	19,466.00
6	Dr. Khalil u Rehman	196091	5,276.88	2,638.44	489,631.00	2,244,914.00	69,081.00	18,857.00	87,938.00	102,286.00	18,857.00	121,143.00	71,771.00
7	Mrs. Aqila Akhtar	211203	4,774.00	2,387.00	442,977.00	4,063,339.00	54,188.00	31,261.00	85,449.00	84,040.00	31,261.00	115,301.00	60,668.00
8	Allah Baksh Bhatti	194642	2,530.50	1,265.25	244,736.00	2,244,914.00	31,982.00	18,857.00	50,839.00	49,009.00	18,857.00	67,866.00	34,382.00
9	Abdul Qadir	197860	2,343.60	1,171.80	217,461.00	1,994,726.00	30,661.00	16,756.00	47,417.00	45,401.00	16,756.00	62,157.00	31,883.00
10	Muhammad Aslam	182346	3,706.66	1,853.33	343,939.00	3,154,884.00	52,299.00	26,393.00	78,692.00	75,626.00	26,393.00	102,019.00	52,299.00

RATE OF INCREASE (%)	DATE OF INCREASE	PENSION ON PRESENT METHOD				COMMUTATION INVESTED IN DSC.	384,905	NET WORTH AT THE END OF EACH YEAR.	FULL PENSION WITHOUT AVAILING COMMUTATION				DOUBLE PENSION				COMMUTATION INVESTED IN DSC.	384,905	NET WORTH AT THE END OF EACH YEAR.				
		ON NET / GROSS	NET PENSION	INCREASE	TOTAL				YEAR	Rate	ON NET / GROSS	PENSION	INCREASE	TOTAL	ON NET / GROSS	PENSION				INCREASE	TOTAL	YEAR	Rate
7	7/88 Index	GROSS	1401.23	196.17	1,597	1ST YEAR	16%	434,943	GROSS	2802.45	196.17	2,999	GROSS	1401.23	196.17	1,597	1ST YEAR	16%	434,943				
10	Jul-90		1401.23	299.88	1,897	2nd YEAR	16%	492,678		2802.45	299.86	3,298		1401.23	299.88	1,897	2nd YEAR	16%	492,678				
12	Jun-91		1401.23	395.82	2,293	3rd YEAR	16%	565,810		2802.45	395.81	3,694		1401.23	395.82	2,293	3rd YEAR	16%	565,810				
10	Jul-95		1401.23	369.43	2,663	4th YEAR	16%	654,339		2802.45	369.43	4,064		1401.23	369.43	2,663	4th YEAR	16%	654,339				
20	Jul-99		1401.23	812.88	3,476	5th YEAR	16%	762,112		2802.45	812.74	4,876		1401.23	812.88	3,476	5th YEAR	16%	762,112				
15	Dec-01	NET	1401.23	521.28	3,997	6th YEAR	16%	892,980		2802.45	731.46	5,607		NET	1401.23	521.28	3,997	6th YEAR	16%	892,980			
15	Jul-03		1401.23	599.48	4,597	7th YEAR	16%	1,046,942		2802.45	841.11	6,449			1401.23	599.48	4,597	7th YEAR	16%	1,046,942			
16	Jul-04		1401.23	735.36	5,331	8th YEAR	16%	1,227,847		2802.45	1031.77	7,480			1401.23	735.36	5,331	8th YEAR	16%	1,227,847			
10	Jul-05		1401.23	533.13	5,865	9th YEAR	16%	1,443,394		2802.45	748.03	8,228			1401.23	533.13	5,865	9th YEAR	16%	1,443,394			
15	Jul-06		1401.23	879.62	6,744	10th YEAR	16%	1,697,431		2802.45	1234.25	9,463			1401.23	879.62	6,744	10th YEAR	16%	1,697,431			
20	Jul-07		1401.23	1,348.83	8,093	NET WORTH REINVESTED FORTEN YEARS		GROSS		2802.45	1892.52	11,355			NET	1401.23	1,348.83	8,093	NET WORTH REINVESTED FOR TEN YEARS				
20	Jul-08		1401.23	1,618.00	9,711	11th YEAR	18.04%			1,935,071	2802.45	2271.02				13,626	1401.23	1,618.00	9,711	11th YEAR	18.04%	1,935,071	
20	Jul-09		1401.23	1,942.32	11,654	12th YEAR	18.04%			2,240,609	2802.45	2725.23				16,351	1401.23	1,942.32	11,654	12th YEAR	18.04%	2,240,609	
20	Jul-10		1401.23	2,330.00		13th YEAR	18.04%			2,597,070	2802.45	3270.27					1401.23	2,330.00		13th YEAR	18.04%	2,597,070	
20 (Medical)	Jul-10		1401.23	2,796.00	16,781	14th YEAR	18.04%			3,021,427	2802.45	3924.33				23,546	1401.23	2,796.00	16,781	14th YEAR	18.04%	3,021,427	
14.03.2011	RESTORATION		1401.23	1,401.23		15th YEAR	18.04%			3,530,657	NO RESTORATION IN THE CASE.					DOUBLE	16781 X 2 = 33562			15th YEAR	18.04%	3,530,657	
14.03.2011	20 % INC.		1401.23	280.24	18,462	16th YEAR	18.04%			4,175,680	NO RESTORATION IN THE CASE.						16th YEAR	18.04%	4,175,680				
20	Jul-11		1401.23	3,077.00	21,539	17th YEAR	18.04%			4,990,447	2802.45	3924.23					27,470	1401.23	5594	39,156	17th YEAR	18.04%	4,990,447
20	Jul-12		1401.23	3,692.00	25,231	18th YEAR	18.04%			6,008,906	2802.45	4769.26					32,180	1401.23	6712.8	45,869	18th YEAR	18.04%	6,008,906
20	Jul-13	1401.23	2,215.00	27,446	19th YEAR	18.04%	7,281,979			2802.45	2825.52	35,005		1401.23			4027.68	48,896	19th YEAR	18.04%	7,281,979		
20	Jul-14	1401.23	2,437.00	29,883	20th YEAR	18.04%	8,911,513		2802.45	3108.11	38,113	1401.23	4430.44	54,326			20th YEAR	18.04%	8,911,513				
NET WORTH REINVESTED FOR THREE YEARS									NET WORTH REINVESTED FOR THREE YEARS														
		21st YEAR	10.15%	9,535,319			21st YEAR		10.15%	9,535,319													
		22nd YEAR	10.15%	10,337,355			22nd YEAR		10.15%	10,337,355													
		23rd YEAR	10.15%	11,228,506			23rd YEAR	10.15%	11,228,506														
AT THE TIME OF RESTORATION INVESTMENT INTO BEHBOOD SAVING CERTIFAICATE								3,000,000															
AT THE RATE OF RS.1280/-PER MONTH ACTUAL RATE OF RETURN ON 01.01.2011								38,400															
BALANCE INVESTED IN REGULAR INCOME CERTIFICATES								8,228,506															
AT THE RATE OF RS.1120/-PER MONTH ACTUAL RATE OF RETURN ON 01.01.2011								92,159															
TOTAL INCOME FROM BEHBOOD AND REGULAR INCOME CERTIFICATES.								130,559															
MONTHLY PENSION INCOME								29,883															
TOTAL TAKEHOME INCOME(PENSION + INCOME FROM INVESTMENT)								160,442															
								TOTAL INCOME OF PENSION				38,113											
								AT THE TIME OF RESTORATION INVESTMENT INTO BEHBOOD SAVING CERTIFAICATE								3,000,000							
								AT THE RATE OF RS.1280/-PER MONTH ACTUAL RATE OF RETURN ON 01.01.2011								38,400							
								BALANCE INVESTED IN REGULAR INCOME CERTIFICATES								8,228,506							
								AT THE RATE OF RS.1120/-PER MONTH ACTUAL RATE OF RETURN ON 01.01.2011								92,159							
								TOTAL INCOME FROM BEHBOOD AND REGULAR INCOME CERTIFICATES.								130,559							
								MONTHLY PENSION INCOME								54,326							
								TOTAL TAKEHOME INCOME(PENSION + INCOME FROM INVESTMENT)								184,885							

RATE OF INCREASE (%)	DATE OF INCREASE	PENSION ON PRESENT METHOD				COMMUTATION INVESTED	368,313	NET WORTH AT THE END OF EACH YEAR	FULL PENSION WITHOUT AVAILING COMMUTATION				DOUBLE PENSION				COMMUTATION INVESTED	368,313	NET WORTH AT THE END OF EACH YEAR	
		ON NET / GROSS	NET PENSION	INCREASE	TOTAL				YEAR	RATE OF RETURN	ON NET / GROSS	PENSION	INCREASE	TOTAL	ON NET / GROSS	PENSION				INCREASE
7	7/88 Index	GROSS	1984.67	277.85	2,263	1ST	16%	416,194	GROSS	3969	278	4,247	GROSS	1984.67	277.85	2,263	1ST	16%	416,194	
10	Jul-90		1984.67	424.72	2,687	2ND	16%	471,441		3969	425	4,672		1984.67	424.72	2,687	2ND	16%	471,441	
12	Jun-91		1984.67	560.63	3,248	3RD	16%	541,420		3969	561	5,233		1984.67	560.63	3,248	3RD	16%	541,420	
10	Jul-95		1984.67	523.25	3,771	4TH	16%	626,132		3969	523	5,756		1984.67	523.25	3,771	4TH	16%	626,132	
20	Jul-99		1984.67	1,151.16	4,922	5TH	16%	729,260		3969	1151	6,907		1984.67	1,151.16	4,922	5TH	16%	729,260	
15	Dec-01		1984.67	738.34	5,661	6TH	16%	854,486		3969	1036	7,943		1984.67	738.34	5,661	6TH	16%	854,486	
Restoration 21.01.03		NET	1984.67	1,984.67	7,645	7TH	16%	1,001,811	GROSS	NO RESTORATION IN THE CASE			DOUBLE	5660 X 2= 11320			7TH	16%	1,001,811	
15	Jul-03		1984.67	1,146.79	8,792	8TH	16%	1,174,918		3969	1461	10,595		1984.67	1,698.00	13,018	8TH	16%	1,174,918	
16	Jul-04		1984.67	1,406.73	10,199	9TH	16%	1,381,174		3969	1059	11,654		1984.67	2,083.00	15,101	9TH	16%	1,381,174	
10	Jul-05		1984.67	1,019.88	11,219	10TH	16%	1,624,260		3969	1865	13,519		1984.67	1,510.00	16,611	10TH	16%	1,624,260	
15	Jul-06		1984.67	1,682.80	12,902	NET WORTH AT THE COMPLETION OF THE TENURE IS REINVESTED.				3969	2704	16,223		1984.67	2,492.00	19,103	NET WORTH AT THE COMPLETION OF THE TENURE IS REINVESTED.			
20	Jul-07		1984.67	2,580.30	15,482	11TH	18.04%	1,851,657		3969	3245	19,468		1984.67	3,821.00	22,924	11TH	18.04%	1,851,657	
INC. OF REST				602.18	16,084	12TH	18.04%	2,144,024		3969	3894	23,362		1984.67	4,585.00	27,509	12TH	18.04%	2,144,024	
20	Jul-08		1984.67	3,216.80	19,301	13TH	18.04%	2,485,118		3969	4672	28,034		1984.67	5,502.00	33,011	13TH	18.04%	2,485,118	
20	Jul-09		1984.67	3,860.16	23,161	14TH	18.04%	2,891,183		3969	5607	33,641		1984.67	6,602.00		14TH	18.04%	2,891,183	
20	Jul-10		1984.67	4,632.12		15TH	18.04%	3,378,461		3969	5607	39,248		1984.67	7,923.00	47,536	15TH	18.04%	3,378,461	
20 (Medical)	Jul-10	1984.67	5,558.54	33,352				3969	6728	45,976	1984.67	7,923.00	55,459							
20	Jul-11	1984.67	5,558.54	38,909				3969	6037	50,013	1984.67	9,507.00	64,966							
20	Jul-12	1984.67	6,670.25	45,580				3969	4441	54,454	1984.67	5,704.00	70,670							
20	Jul-13	1984.67	4,002.15	49,582				3969			1984.67	6,275.00	76,945							
20	Jul-14	1984.67	4,402.36	53,985																
AT THE TIME OF RESTORATION INVESTMENT INTO BEHBOOD SAVING CERTIFICATE								3,000,000	AT THE TIME OF RESTORATION INVESTMENT INTO BEHBOOD SAVING CERTIFICATE								3,000,000			
AT THE RATE OF RS.840/-PER MONTH ACTUAL RATE OF RETURN ON 21.01.2003								25,200	AT THE RATE OF RS.840/-PER MONTH ACTUAL RATE OF RETURN ON 21.01.2003								25,200			
BALANCE DEPOSITED INTO REGULAR INCOME CERTIFICATES ON 21.01.2003								378,461	BALANCE DEPOSITED INTO REGULAR INCOME CERTIFICATES ON 21.01.2003								378,461			
AT RATE OF RS.7602876/-PER MONTH ACTUAL RATE OF RETURN ON 21.01.2003								2,876	AT RATE OF RS.7602876/-PER MONTH ACTUAL RATE OF RETURN ON 21.01.2003								2,876			
TOTAL INCOME FROM INVESTMENT								28,076	TOTAL INCOME FROM INVESTMENT								28,076			
MONTHLY PENSION INCOME								53,985	MONTHLY PENSION INCOME								76,945			
TOTAL TAKEHOME INCOME(PENSION + INCOME FROM INVESTMENT)								82,061	TOTAL INCOME OF PENSION		54,454	TOTAL TAKEHOME INCOME(PENSION + INCOME FROM INVESTMENT)								105,021

PENSION PAYMENT ORDER NO.196362

NAME OF PENSIONER. RAO DEEWAN MUHAMMAD DESIGANTION. DEPUTY DIRECTOR DATE OF BIRTH 28.07.1928. DATE OF RETIREMENT 28.07.1988

DATE OF RESTORATION 28.07.2003 GROSS PENSION 2896 NET PENSION. 1448.37 COMMUTATION RECEIVED.263084/-

RATE OF INCREASE (%)	DATE OF INCREASE	PENSION ON PRESENT METHOD				COMMUTATION INVESTED	263,084	NET WORTH AT THE END OF EACH YEAR	FULL PENSION WITHOUT AVAILING COMMUTATION				DOUBLE PENSION				COMMUTATION INVESTED	263,084	NET WORTH AT THE END OF EACH YEAR			
		ON NET / GROSS	NET PENSION	INCREASE	TOTAL				YEAR	RATE OF RETURN	ON NET / GROSS	PENSION	INCREASE	TOTAL	ON NET / GROSS	PENSION				INCREASE	TOTAL	YEAR
						1ST	16%	297,285							1ST	16%	297,285					
10	Jul-90	GROSS	1448	290.00	1,738	2ND	16%	336,748		2896	290	3,186		1448	290.00	1,738	2ND	16%	336,748			
12	Jun-91		1448	382.00	2,120	3RD	16%	386,733		2896	382	3,568		1448	382.00	2,120	3RD	16%	386,733			
10	Jul-95		1448	357.00	2,477	4TH	16%	447,243		2896	357	3,925		1448	357.00	2,477	4TH	16%	447,243			
20	Jul-99		1448	785.00	3,262	5TH	16%	520,906		2896	785	4,710		1448	785.00	3,262	5TH	16%	520,906			
15	Dec-01		1448	489.00	3,751	6TH	16%	610,355		2896	766	5,416		1448	489.00	3,751	6TH	16%	610,355			
15	Jul-03		1448	563.00	4,314	7TH	16%	715,588		2896	812	6,228		1448	563.00	4,314	7TH	16%	715,588			
RESTORATION W.E.F. 28.07.2003			1448	1,448.00		8TH	16%	839,238	NO RESTORATION					4314 X 2 = 8628			8TH	16%	839,238			
15% 28.07.2003			1448	217.00	5,979	9TH	16%	986,565							9TH	16%	986,565					
16	Jul-04		1448	957.00	6,936	10TH	16%	1,160,200	GROSS	2896	996	7,224		1448	1380	10008	10TH	16%	1,160,200			
10	Jul-05	NET	1448	694.00	7,630	NET WORTH AT THE COMPLETION OF THE TENURE IS REINVESTED.				2896	722	7,946	DOUBLE	1448	1001	11009	NET WORTH AT THE COMPLETION OF THE TENURE IS REINVESTED.					
15	Jul-06		1448	1,144.00	8,774	11TH	18.04%	1,322,629		2896	1192	9,138		1448	1651	12660	11TH	18.04%	1,322,629			
20	Jul-07		1448	1,755.00	10,529	12TH	18.04%	1,531,465		2896	1828	10,966		1448	2532	15192	12TH	18.04%	1,531,465			
20	Jul-08		1448	2,106.00	12,635	13TH	18.04%	1,775,107		2896	2193	13,159		1448	3038	18230	13TH	18.04%	1,775,107			
20	Jul-09		1448	2,527.00	15,162	14TH	18.04%	2,065,157		2896	2632	15,791		1448	3646	21876	14TH	18.04%	2,065,157			
20	Jul-10		1448	3,032.00		15TH	18.04%	2,413,217		2896	3158			1448	4375		15TH	18.04%	2,413,217			
20 (Medical)	Jul-10		1448	3,639.00	21,833					2896	3790	22,739		1448	5250	31501						
20	Jul-11		1448	3,639.00	25,472					2896	3790	26,529		1448	5250	36751						
20	Jul-12		1448	4,367.00	29,839					2896	4548	31,077		1448	6300	43051						
20	Jul-13		1448	2,620.00	32,459					2896	2729	33,806		1448	3780	46831						
20	Jul-14	1448	2,882.00	35,341					2896	3002	36,808	1448	4158	50989								
AT THE TIME OF RESTORATION INVESTMENT INTO BEHBOOD SAVING CERTIFICATE								2,413,217	AT THE TIME OF RESTORATION INVESTMENT INTO BEHBOOD SAVING CERTIFICATE								2,413,217					
AT THE RATE OF RS.840/-PER MONTH(ACTUAL RATE OF RETURN ON 28.07.2003								20,271	AT THE RATE OF RS.840/-PER MONTH(ACTUAL RATE OF RETURN ON 28.07.2003								20,271					
MONTHLY PENSION INCOME								35,341	MONTHLY PENSION INCOME								50,989					
TOTAL TAKEHOME INCOME(PENSION + INCOME FROM INVESTMENT)								55,612	TOTAL INCOME OF PENSION				36,808	TOTAL TAKEHOME INCOME(PENSION + INCOME FROM INVESTMENT)								71,260

PENSION PAYMENT ORDER NUMBER 205523

NAME OF PENSIONER. ABDUL GHAFOOR DESIGANTION. FOREST GUARD BS.2 DATE OF BIRTH 01.10.1938. DATE OF RETIREMENT 09.02.1989.

DATE OF RESTORATION. 09.02.2011 GROSS PENSION 646.28 NET PENSION.323.14 COMMUTATION RECEIVED.85561/-

RATE OF INCREASE (%)	DATE OF INCREASE	PENSION ON PRESENT METHOD				COMMUTATION INVESTED IN DEFENCE SAVING CERTIFICATES.	85,561	NET WORTH AT THE END OF EACH YEAR.	FULL PENSION WITHOUT AVAILING COMMUTATION				DOUBLE PENSION				COMMUTATION INVESTED IN DEFENCE SAVING CERTIFICATES.	85,561	NET WORTH AT THE END OF EACH YEAR.
		ON NET / GROSS	NET PENSION	INCREASE	TOTAL				ON NET / GROSS	PENSION	INCREASE	TOTAL	ON NET / GROSS	PENSION	INCREASE	TOTAL			
					1ST YEAR	16%	96,684								1ST YEAR	16%	96,684		
10	Jul-90		323	65.00	388	2nd YEAR	16%	109,518		646.28	64.62	711		323	65.00	388	2nd YEAR	16%	109,518
12	Jun-91		323	85.00	473	3rd YEAR	16%	125,775		646.28	85.3	796		323	85.00	473	3rd YEAR	16%	125,775
10	Jul-95		323	80.00	553	4th YEAR	16%	145,454		646.28	79.62	876		323	80.00	553	4th YEAR	16%	145,454
10	Mar-97		323	88.00	641					646.28	87.58	963		323	88.00	641			
20	Jul-99		323	241.00	882	5th YEAR	16%	169,411		646.28	192.68	1,156		323	241.00	882	5th YEAR	16%	169,411
15	Dec-01		323	132.00	1,014	6th YEAR	16%	198,502		646.28	173.41	1,330		323	132.00	1,014	6th YEAR	16%	198,502
15	Jul-03		323	152.00	1,166	7th YEAR	16%	232,726		646.28	199.42	1,529		323	152.00	1,166	7th YEAR	16%	232,726
16	Jul-04		323	187.00	1,353	8th YEAR	16%	272,940		646.28	244.63	1,774		323	187.00	1,353	8th YEAR	16%	272,940
10	Jul-05		323	135.00	1,488	9th YEAR	16%	320,854		646.28	177.35	1,951		323	135.00	1,488	9th YEAR	16%	320,854
15	Jul-06		323	223.00	1,711	10th YEAR	16%	377,324		646.28	292.64	2,244		323	223.00	1,711	10th YEAR	16%	377,324
20	Jul-07		323	342.00	2,053	NET WORTH REINVESTED FOR TEN YEARS				646.28	448.71	2,692		323	342.00	2,053	NET WORTH REINVESTED FOR TEN YEARS		
20	Jul-08		323	411.00	2,464	11th YEAR	18.04%	430,149	GROSS	646.28	538.46	3,231		323	411.00	2,464	11th YEAR	18.04%	430,149
20	Jul-09		323	493.00	2,957	12th YEAR	18.04%	498,068		646.28	646.15	3,877		323	493.00	2,957	12th YEAR	18.04%	498,068
20	Jul-10		323	591.00		13th YEAR	18.04%	577,306		646.28	775.38			323	591.00		13th YEAR	18.04%	577,306
25 (Medical)	Jul-10		323	887.00	4,435	14th YEAR	18.04%	671,637		646.28	1163.07	5,815		323	887.00	4,435	14th YEAR	18.04%	671,637
RESTORATION 09.02.2011			323	323.00		15th YEAR	18.04%	784,834		NO RESTORATION IN THE CASE				4435 X 2 = 8870		15th YEAR	18.04%	784,834	
09.02.2011 20% INCREASE.			323	65.00	4,823	16th YEAR	18.04%	928,217							16th YEAR	18.04%	928,217		
20	Jul-11		323	787.00	5,610	17th YEAR	18.04%	1,109,333		646.28	930.45	6,745		323	1416	10,289	17th YEAR	18.04%	1,109,333
20	Jul-12		323	945.00	6,555	18th YEAR	18.04%	1,335,727		646.28	1116.55	7,862		323	1703	11,993	18th YEAR	18.04%	1,335,727
20	Jul-13		323	567.00	7,122	19th YEAR	18.04%	1,618,720		646.28	669.93	8,532		323	1722	13,714	19th YEAR	18.04%	1,618,720
20	Jul-14		323	623.00	7,745	20th YEAR	18.04%	1,980,951		646.28	736.92	9,269		323	1124	14,838	20th YEAR	18.04%	1,980,951
						NET WORTH REINVESTED FOR									NET WORTH REINVESTED FOR				
						21st YEAR	10.15%	2,139,427							21st YEAR	10.15%	2,139,427		
						22nd YEAR	10.15%	2,337,522							22nd YEAR	10.15%	2,337,522		
AT THE TIME OF RESTORATION INVESTMENT INTO BEHBOOD SAVING CERT.								2,337,522		AT THE TIME OF RESTORATION INVESTMENT INTO BEHBOOD SAVING CERT.								2,337,522	
RATE OF RS.1280/-PER MONTH ACTUAL RATE OF RETURN ON 10.02.2011								29,920		RATE OF RS.1280/-PER MONTH ACTUAL RATE OF RETURN ON 10.02.2011								29,920	
MONTHLY PENSION INCOME								7,745		MONTHLY PENSION INCOME								14,838	
TOTAL TAKEHOME INCOME(PENSION + INCOME FROM INVESTMENT)								37,665		TOTAL TAKEHOME INCOME(PENSION + INCOME FROM INVESTMENT)								44,758	

PENSION PAYMENT ORDER NUMBER 207687

NAME OF PENSIONER. ATTA MUHAMMAD DESIGANTION. ASST DATE OF BIRTH 04.11.1931 DATE OF RETIREMENT 31.10.1989 DATE OF RESTORATION 01.11.2006

GROSS PENSION 1315.18 NET PENSION.659.59 COMMUTATION RECEIVED.132511.00

RATE OF INCREASE (%)	DATE OF INCREASE	PENSION ON PRESENT METHOD				COMMUTATION INVESTED IN DSC.	132,511	NET WORTH AT THE END OF EACH YEAR.	FULL PENSION WITHOUT AVAILING COMMUTATION				DOUBLE PENSION				COMMUTATION INVESTED IN DSC.	132,511	NET WORTH AT THE END OF EACH YEAR.			
		ON NET / GROSS	NET PENSION	INCREASE	TOTAL				YEAR	Rate	ON NET / GROSS	PENSION	INCREASE	TOTAL	ON NET / GROSS	PENSION				INCREASE	TOTAL	YEAR
10	Jul-90	GROSS	658	132.00	790	1ST	16%	149,737	GROSS	1315	131	1,446	GROSS	658	132.00	790	1ST	16%	149,737			
12	Jun-91		658	174.00	964	2ND	16%	169,614		1315	174	1,620		658	174.00	964	2ND	16%	169,614			
10	Jul-95		658	162.00	1,126	3RD	16%	194,791		1315	162	1,782		658	162.00	1,126	3RD	16%	194,791			
10	Mar-97		658	178.00	1,304	4TH	16%	225,269		1315	178	1,960		658	178.00	1,304	4TH	16%	225,269			
20	Jul-99		658	490.00	1,794	5TH	16%	262,372		1315	178	1,960		658	490.00	1,794	5TH	16%	262,372			
15	Dec-01		658	269.00	2,063	6TH	16%	307,426		1315	490	2,450		658	269.00	2,063	6TH	16%	307,426			
15	Jul-03		658	309.00	2,372	7TH	16%	360,430		1315	367	2,817		658	309.00	2,372	7TH	16%	360,430			
16	Jul-04		658	380.00	2,752	8TH	16%	422,710		1315	423	3,240		658	380.00	2,752	8TH	16%	422,710			
10	Jul-05		658	275.00	3,027	9TH	16%	496,916		1315	518	3,758		658	275.00	3,027	9TH	16%	496,916			
15	Jul-06		658	454.00	3,481	10TH	16%	584,374		1315	376	4,135		658	454.00	3,481	10TH	16%	584,374			
RESTORATION 01.11.2006			658	658.00	NET WORTH REINVESTED FOR SEVEN YEARS				NO RESTORATION IN THIS CASE					3481 X 2 = 6962			NET WORTH REINVESTED FOR TEN YEARS					
15	RESTORATION		658	99.00	4,238	11th YEAR	15.97%	654,498		1315	620	4,755		658			11th YEAR	15.97%	654,498			
20	Jul-07		658	848.00	5,086	12th YEAR	15.97%	759,686		1315	951	5,706		658	1,392.00	8,354	12th YEAR	15.97%	759,686			
20	Jul-08	NET	658	1,017.00	6,103	13th YEAR	15.97%	876,560		1315	1141	6,847		658	1,671.00	10,025	13th YEAR	15.97%	876,560			
20	Jul-09		658	1,221.00	7,324	14th YEAR	15.97%	1,005,122		1315	1369	8,217		658	2,005.00	12,030	14th YEAR	15.97%	1,005,122			
20	Jul-10		658	1,465.00		15th YEAR	15.97%	1,168,747		1315	1643			658	2,406.00		15th YEAR	15.97%	1,168,747			
25 (Medical)	Jul-10		658	2,197.00	10,986	16th YEAR	15.97%	1,355,747		1315	2465	12,325		658	3,609.00	18,045	16th YEAR	15.97%	1,355,747			
20	Jul-11		658	1,758.00	12,744	17th YEAR	15.97%	1,577,808		1315	1792	14,117		658	2,887.00	20,932	17th YEAR	15.97%	1,577,808			
20	Jul-12		658	2,109.00	14,853					1315	2367	16,484		658	3,465.00	24,397						
20	Jul-13		658	1,266.00	16,119					1315	1420	17,904		658	2,079.00	28,583						
20	Jul-14		658	1,392.00	17,511					1315	1562	19,466		658	2,286.00	26,476						
AT THE TIME OF RESTORATION INVESTMENT INTO BEHBOOD SAVING CERTIFICATE								1,577,808	AT THE TIME OF RESTORATION INVESTMENT INTO BEHBOOD SAVING CERTIFICATE								1,577,808					
AT THE RATE OF RS.960/-PER MONTH ACTUAL RATE OF RETURN ON 01.11.2006								15,147	AT THE RATE OF RS.960/-PER MONTH ACTUAL RATE OF RETURN ON 01.11.2006								15,147					
MONTHLY PENSION INCOME								17,511	MONTHLY PENSION INCOME								26,476					
TOTAL TAKEHOME INCOME(PENSION + INCOME FROM INVESTMENT)								32,658	TOTAL INCOME OF PENSION				19,466	TOTAL TAKEHOME INCOME(PENSION + INCOME FROM INVESTMENT)								41,623

PENSION PAYMENT ORDER NUMBER 196091

NAME OF PENSIONER. DR KHALIL U REHMAN DESIGNATION MEDICAL SUPERINTENDENT DATE OF BIRTH 12.04.1928 DATE OF RETIREMENT 12.04.1988 DATE OF RESTORATION 12.04.2003

GROSS PENSION 5276.88 NET PENSION. 2638.44 COMMUTATION RECEIVED. RS. 489631

RATE OF INCREASE (%)	DATE OF INCREASE	PENSION ON PRESENT METHOD				489,631	244,736	NET WORTH AT THE END OF EACH YEAR.
		ON NET / GROSS	NET PENSION	INCREASE	TOTAL	YEAR	Rate	
7	Jul-88	GROSS	2638.44	369.38	3,008			
10	Jul-90		2638.44	564.62	3,572	1ST	16%	276,552
12	Jun-91		2638.44	745.30	4,318	2ND	16%	313,262
10	Jul-95		2638.44	695.61	5,013	3RD	16%	359,762
20	Jul-99		2638.44	1,530.00	6,454	4TH	16%	416,051
15	Dec-01	NET	2638.44	981.55	7,525	5TH	16%	484,577
RESTORATION 12.04.2003			2638.44	2,638.44	10,164	6TH	16%	567,788
			2638.44			7TH	16%	665,682
15	Jul-03		2638.44	1,524.55	11,688	8TH	16%	780,708
16	Jul-04		2638.44	1,870.11	13,558	9TH	16%	917,760
10	Jul-05		2638.44	1,355.83	14,914	10TH	16%	1,079,286
15	Jul-06		2638.44	2,237.12	17,151	NET WORTH REINVESTED FOR FIVE YEARS		
20	Jul-07		2638.44	3,430.26	20,582	11th YEAR	18.04%	1,230,386
20	Jul-08		2638.44	4,116.31	24,680	12th YEAR	18.04%	1,424,657
20	Jul-09		2638.44	4,939.57	29,637	13th YEAR	18.04%	1,651,307
20	Jul-10		2638.44	5,927.48		14th YEAR	18.04%	1,921,129
20 (Medical)	Jul-10		2638.44	7,112.98	42,678	15th YEAR	18.04%	2,244,914
20	Jul-11		2638.44	7,112.98	49,791			
20	Jul-12		2638.44	8,535.58	58,326			
10	Jul-13		2638.44	5,121.34	63,447			
10	Jul-14	2638.44	5,633.44	69,081				
AT THE TIME OF RESTORATION INVESTMENT INTO BEHBOOD SAVING CERTIFICATE							2,244,914	
AT THE RATE OF RS.840/-PER MONTH ACTUAL RATE OF RETURN ON 12.04.2003							18,857	
MONTHLY PENSION INCOME							69,081	
TOTAL TAKEHOME INCOME(PENSION + INCOME FROM INVESTMENT)							87,938	

FULL PENSION WITHOUT AVAILING COMMUTATION			
ON NET / GROSS	PENSION	INCREASE	TOTAL
GROSS	5276.88	369.38	5646.26
	5276.88	564.62	6,211
	5276.88	745.3	6,956
	5276.88	695.61	7,652
	5276.88	1530.35	9,182
	5276.88	1377.32	10,559
	RESTORATION IS NOT APPLICABLE		
	5276.88	1583.91	12143.37
	5276.88	1942.93	14,086
	5276.88	1408.63	15,495
	5276.88	2324.23	17819.2
	5276.88	3563.83	21,383
	5276.88	4276.59	25,660
	5276.88	5131.91	30,791
	5276.88	6158.29	
5276.88	7389.95	44,340	
5276.88	7389.95	51,730	
5276.88	8867.94	60,598	
5276.88	5320.76	65,918	
5276.88	5852.84	71,771	
TOTAL INCOME OF PENSION			71,771

DOUBLE PENSION				COMMUTATION INVESTED IN DSC.	244,736	NET WORTH AT THE END OF EACH YEAR.
ON NET / GROSS	PENSION	INCREASE	TOTAL	YEAR	Rate	
GROSS	2638.44	369.38	3,008			
	2638.44	564.62	3,572	1ST	16%	276,552
	2638.44	745.30	4,318	2ND	16%	313,262
	2638.44	695.61	5,013	3RD	16%	359,762
	2638.44	1,530.00	6,454	4TH	16%	416,051
NET	2638.44	981.55	7,525	5TH	16%	484,577
7525 X 2 = 15050/-				6TH	16%	567,788
				7TH	16%	665,682
DOUBLE	2638.44	2257.5	17308	8TH	16%	780,708
	2638.44	2,769.00	20,077	9TH	16%	917,760
	2638.44	2,007.00	22,084	10TH	16%	1,079,286
	2638.44	3,312.00	25,396	NET WORTH REINVESTED FOR FIVE YEARS		
	2638.44	5,079.00	30,475	11th YEAR	18.04%	1,230,386
	2638.44	6,095.00	36,570	12th YEAR	18.04%	1,424,657
	2638.44	7,314.00	43,884	13th YEAR	18.04%	1,651,307
	2638.44	8,776.00		14th YEAR	18.04%	1,921,129
	2638.44	10,532.00	63,190	15th YEAR	18.04%	2,244,914
	2638.44	10,532.00	73,724			
2638.44	12,638.00	86,362				
2638.44	7,583.00	93,945				
2638.44	8,341.00	102,286				
AT THE TIME OF RESTORATION INVESTMENT INTO BEHBOOD SAVING CERTIFICATE						2,244,914
AT THE RATE OF RS.840/-PER MONTH ACTUAL RATE OF RETURN ON 12.04.2003						18,857
MONTHLY PENSION INCOME						102,286
TOTAL TAKEHOME INCOME(PENSION + INCOME FROM INVESTMENT)						121,143

PENSION PAYMENT ORDER NUMBER 211103

NAME OF PENSIONER. MRS. AQILA AKHTAR DESIGANTION. PROFESSOR BS 19 DATE OF BIRTH 31.01.1930 DATE OF RETIREMENT 30.01.1990 DATE OF RESTORATION 31.01.2005

GROSS PENSION 4774 NET PENSION. 2387 COMMUTATION RECEIVED. RS.442977/-

RATE OF INCREASE (%)	DATE OF INCREASE	PENSION ON PRESENT METHOD				COMMUTATION ON INVESTED IN DSC.	442,977	NET WORTH AT THE END OF EACH YEAR.
		ON NET / GROSS	NET PENSION	INCREASE	TOTAL			
		GROSS						
10	Jul-90		2387	477.40	2,864	1ST	16%	500,564
12	Jun-91		2387	630.17	3,495	2ND	16%	567,011
10	Jul-95		2387	588.15	4,083	3RD	16%	651,176
20	Jul-99		2387	1,293.94	5,377	4TH	16%	753,061
15	Dec-01		2387	806.49	6,183	5TH	16%	877,094
15	Jul-03		2387	927.47	7,111	6TH	16%	1,027,707
16	Jul-04		2387	1,137.69	8,248	7TH	16%	1,204,897
RESTORATION ON 31.01.2005			2387			8TH	16%	1,413,097
			2387	2,387.00	10,635	9TH	16%	1,661,164
10	Jul-05	2387	1,063.53	11,699	10TH	16%	1,953,529	
15	Jul-06	2387	1,754.82	13,454	NET WORTH REINVESTED FOR FIVE YEARS			
20	Jul-07	2387	2,690.73	16,144	11th YEAR	18.04%	2,227,023	
20	Jul-08	2387	3,228.87	19,373	12th YEAR	18.04%	2,578,658	
20	Jul-09	2387	3,874.65	23,248	13th YEAR	18.04%	2,988,899	
20	Jul-10	2387	4,649.58		14th YEAR	18.04%	3,477,281	
20(Medical)	Jul-10	2387	5,579.49	33,476	15th YEAR	18.04%	4,063,339	
20	Jul-11	2387	5,579.49	39,056				
20	Jul-12	2387	6,695.39	45,752				
10	Jul-13	2387	4,017.23	49,769				
10	Jul-14	2387	4,418.95	54,188				
AT TIME OF RESTORATION INVEST. INTO BEHBOOD SAVING CERTIFICATE							3,000,000	
AT RATE OF RS.840/-PER MONTH ACTUAL RATE OF RETURN ON 31.01.2005							25,200	
BALANCE INVESTED IN REGULAR INCOME CERTIFICATES							1,063,339	
AT RATE OF RS.570/-PER MONTH ACTUAL RATE OF RETURN ON 31.01.2005							6,061	
TOTAL INCOME FROM BEHBOOD AND REGULAR INCOME CERTIFICATES.							31,261	
MONTHLY PENSION INCOME							54,188	
TOTAL TAKEHOME INCOME(PENSION + INCOME FROM INVESTMENT)							85,449	

FULL PENSION WITHOUT AVAILING COMMUTATION			
ON NET / GROSS	PENSION	INCREASE	TOTAL
	4774	477	5,251
	4774	630	5,881
	4774	588	6,469
	4774	1294	7,763
	4774	1164	8,927
	4774	1339	10,266
	4774	1642	11908
RESTORATION IS NOT APPLICABLE			
	4774	1190	13,099
	4774	1964	15063
	4774	3012	18,075
	4774	3615	21,690
	4774	4338	26,028
	4774	5205	
	4774	6247	37,480
	4774	6247	43,727
	4774	7496	51,223
	4774	4498	55,721
	4774	4947	60,668
TOTAL INCOME OF PENSION			60,668

DOUBLE PENSION				COMMUTATION ON INVESTED IN DSC.	442,977	NET WORTH AT THE END OF EACH YEAR.	
ON NET / GROSS	PENSION	INCREASE	TOTAL				YEAR
GROSS	2387	477.40	2,864	1ST	16%	500,564	
	2387	630.17	3,495	2ND	16%	567,011	
	2387	588.15	4,083	3RD	16%	651,176	
	2387	1,293.94	5,377	4TH	16%	753,061	
	2387	806.49	6,183	5TH	16%	877,094	
	2387	927.47	7,111	6TH	16%	1,027,707	
NET	2387	1,137.69	8,248	7TH	16%	1,204,897	
	8248 X 2 = 16496			8TH	16%	1,413,097	
				9TH	16%	1,661,164	
	2387	1,649.00	18,145	10TH	16%	1,953,529	
DOUBLE	2387	2,721.00	20,866	NET WORTH REINVESTED FOR FIVE YEARS			
	2387	4,173.00	25,039	11th YEAR	18.04%	2,227,023	
	2387	5,008.00	30,047	12th YEAR	18.04%	2,578,658	
	2387	6,009.00	36,056	13th YEAR	18.04%	2,988,899	
	2387	7,211.00		14th YEAR	18.04%	3,477,281	
	2387	8,653.00	51,920	15th YEAR	18.04%	4,063,339	
	2387	8,653.00	60,573				
	2387	10,384.00	70,957				
	2387	6,230.00	77,187				
	2387	6,853.00	84,040				
AT TIME OF RESTORATION INVEST. INTO BEHBOOD SAVING CERTIFICATE							3,000,000
AT RATE OF RS.840/-PER MONTH ACTUAL RATE OF RETURN ON 31.01.2005							25,200
BALANCE INVESTED IN REGULAR INCOME CERTIFICATES							1,063,339
AT RATE OF RS.570/-PER MONTH ACTUAL RATE OF RETURN ON 31.01.2005							6,061
TOTAL INCOME FROM BEHBOOD AND REGULAR INCOME CERTIFICATES.							31,261
MONTHLY PENSION INCOME							84,040
TOTAL TAKEHOME INCOME(PENSION + INCOME FROM INVESTMENT)							115,301

PENSION PAYMENT ORDER NUMBER 194642

NAME OF PENSIONER. ALLAH BAKSH BHATTI DESIGANTION. SCTION OFFICER DATE OF BIRTH 04.10.1929 DATE OF RETIREMENT 31.01.1988 DATE OF RESTORATION 01.02.2004

GROSS PENSION 2530.5 NET PENSION. 1265.25 COMMUTATION RECEIVED. RS.244736.29/-

RATE OF INCREASE (%)	DATE OF INCREASE	PENSION ON PRESENT METHOD				COMMUTATION ON INVESTED IN DSC.	244,736	NET WORTH AT THE END OF EACH YEAR.
		ON NET / GROSS	NET PENSION	INCREASE	TOTAL			
7	Jul-88	GROSS	1265	177.00	1,442			
10	Jul-90		1265	271.00	1,713	1ST	16%	276,552
12	Jun-91		1265	357.00	2,070	2ND	16%	313,262
10	Jul-95		1265	333.00	2,403	3RD	16%	359,762
20	Jul-99		1265	733.00	3,136	4TH	16%	416,051
15	Dec-01		1265	470.00	3,606	5TH	16%	484,577
15	Jul-03		1265	541.00	4,147	6TH	16%	567,788
RESTORATION			1265	1,265.00		7TH	16%	665,682
			1265			8TH	16%	780,708
16	Jul-04		1265	865.00	6,277	9TH	16%	917,760
10	Jul-05		1265	628.00	6,905	10TH	16%	1,079,286
15	Jul-06		1265	1,036.00	7,941	NET WORTH REINVESTED FOR FIVE YEARS		
20	Jul-07	NET	1265	1,588.00	9,529	11th YEAR	18.04%	1,230,386
20	Jul-08		1265	1,906.00	11,435	12th YEAR	18.04%	1,424,657
20	Jul-09		1265	2,287.00	13,722	13th YEAR	18.04%	1,651,307
20	Jul-10		1265	2,744.00	16,466	14th YEAR	18.04%	1,921,129
20(Medical)	Jul-10		1265	3,293.00	19,759	15th YEAR	18.04%	2,244,914
20	Jul-11		1265	3,293.00	23,052			
20	Jul-12		1265	3,951.00	27,003			
10	Jul-13	1265	2,371.00	293,374				
10	Jul-14	1265	2,608.00	31,982				
AT THE TIME OF RESTORATION INVESTMENT INTO BEHBOOD SAVING CERTIFICATE							2,244,914	
AT THE RATE OF RS.840/-PER MONTH ACTUAL RATE OF RETURN ON 01.02.2004							18,857	
MONTHLY PENSION INCOME							31,982	
TOTAL TAKEHOME INCOME(PENSION + INCOME FROM INVESTMENT)							50,839	

FULL PENSION WITHOUT AVAILING COMMUTATION			
ON NET / GROSS	PENSION	INCREASE	TOTAL
	2530	177	2707
	2530	270	2,977
	2530	357	3,334
	2530	333	3,667
	2530	733	4,400
	2530	660	5,060
	2530	759	5,819
NO RESTORATION APPLICABLE			
	2530	931	6,750
	2530	675	7,425
	2530	1113	8538
	2530	1707	10,245
	2530	2049	12,294
	2530	2458	14,752
	2530	2950	
	2530	3540	21,242
	2530	3540	24,782
	2530	4248	29,030
	2530	2549	31,579
	2530	2803	34,382
TOTAL INCOME OF PENSION		34,382	

DOUBLE PENSION				COMMUTATION ON INVESTED IN DSC.	244,736	NET WORTH AT THE END OF EACH YEAR.
ON NET / GROSS	PENSION	INCREASE	TOTAL			
GROSS	1265	177.00	1,442			
	1265	271.00	1,713	1ST	16%	276,552
	1265	357.00	2,070	2ND	16%	313,262
	1265	333.00	2,403	3RD	16%	359,762
	1265	733.00	3,136	4TH	16%	416,051
	1265	470.00	3,606	5TH	16%	484,577
	1265	541.00	4,147	6TH	16%	567,788
NET	4147 X 2 = 8294			7TH	16%	665,682
				8TH	16%	780,708
	1265	1,327.00	9,621	9TH	16%	917,760
DOUBLE	1265	962.00	10,583	10TH	16%	1,079,286
				NET WORTH REINVESTED FOR FIVE YEARS		
	1265	1,587.00	12,170			
	1265	2,434.00	14,604	11th YEAR	18.04%	1,230,386
	1265	2,920.00	17,524	12th YEAR	18.04%	1,424,657
	1265	3,504.00	21,028	13th YEAR	18.04%	1,651,307
	1265	4,205.00		14th YEAR	18.04%	1,921,129
	1265	5,046.00	30,279	15th YEAR	18.04%	2,244,914
	1265	5,046.00	35,325			
	1265	6,055.00	41,380			
1265	3,633.00	45,013				
1265	3,996.00	49,009				
AT THE TIME OF RESTORATION INVESTMENT INTO BEHBOOD SAVING CERTIFICATE						2,244,914
AT THE RATE OF RS.840/-PER MONTH ACTUAL RATE OF RETURN ON 01.02.2004						18,857
MONTHLY PENSION INCOME						49,009
TOTAL TAKEHOME INCOME(PENSION + INCOME FROM INVESTMENT)						67,866

PENSION PAYMENT ORDER NO.197860

NAME OF PENSIONER. ABDUL QADIR DESIGNATION BS 18 DATE OF BIRTH 17.06.1928 DATE OF RETIREMENT 16.06.1988 DATE OF RESTORATION 17.06.2003
DATE OF RESTORATION 17.06.2003 GROSS PENSION 2343.6 NET PENSION. 1171.8 COMMUTATION RECEIVED. 217461/-

RATE OF INCREASE (%)	DATE OF INCREASE	PENSION ON PRESENT METHOD				COMMUTATION INVESTED	217,461	NET WORTH AT THE END OF EACH YEAR	FULL PENSION WITHOUT AVAILING COMMUTATION				DOUBLE PENSION				COMMUTATION INVESTED	217,461	NET WORTH AT THE END OF EACH YEAR							
		ON NET / GROSS	NET PENSION	INCREASE	TOTAL				YEAR	RATE OF RETURN	ON NET / GROSS	PENSION	INCREASE	TOTAL	ON NET / GROSS	PENSION				INCREASE	TOTAL	YEAR	RATE OF RETURN			
7	7/88 Index	GROSS	1171.8	164.05	1,335	1ST	16%	245,731	GROSS	2343.6	164	2,507	GROSS	1171.8	164.05	1,335	1ST	16%	245,731							
10	Jul-90		1171.8	250.60	1,586	2ND	16%	278,350		2343.6	251	2,758		1171.8	250.60	1,586	2ND	16%	278,350							
12	Jun-91		1171.8	330.79	1,916	3RD	16%	319,668		2343.6	331	3,089		1171.8	330.79	1,916	3RD	16%	319,668							
10	Jul-95		1171.8	308.74	2,225	4TH	16%	369,684		2343.6	309	3,398		1171.8	308.74	2,225	4TH	16%	369,684							
20	Jul-99		1171.8	679.23	2,904	5TH	16%	430,573		2343.6	680	4,078		1171.8	679.23	2,904	5TH	16%	430,573							
15	Dec-01		1171.8	435.66	3,340	6TH	16%	504,510		2343.6	612	4,690		1171.8	435.66	3,340	6TH	16%	504,510							
Restoration 21.01.03		NET	1171.8	1,171.00	4,511	7TH	16%	591,494	GROSS	RESTORATION IS NOT APPLICABLE.			DOUBLE	3340 X 2 = 6680			7TH	16%	591,494							
						8TH	16%	693,701							8TH	16%	693,701									
15	Jul-03	NET	1171.8	676.66	5,188	9TH	16%	815,479	GROSS	2343.6	704	5,394	DOUBLE	1171.8	1,002.00	7,682	9TH	16%	815,479							
16	Jul-04		1171.8	830.03	6,018	10TH	16%	959,003		2343.6	863	6,257		1171.8	1,229.00	8,911	10TH	16%	959,003							
10	Jul-05	NET	1171.8	601.77	6,620	NET WORTH AT THE COMPLETION OF THE TENURE IS REINVESTED.			GROSS	2343.6	626	6,883	DOUBLE	1171.8	891.00	9,802	NET WORTH AT THE COMPLETION OF THE TENURE IS REINVESTED.									
15	Jul-06		1171.8	992.93	7,612	11TH	18.04%	1,093,263		2343.6	1032	7,915		1171.8	1,470.00	11,272	11TH	18.04%	1,093,263							
20	Jul-07		1171.8	1,522.49	9,135	12TH	18.04%	1,265,884		2343.6	1583	9,498		1171.8	2,254.00	13,526	12TH	18.04%	1,265,884							
20	Jul-08		1171.8	1,826.99	10,962	13TH	18.04%	1,467,275		2343.6	1900	11,398		1171.8	2,705.00	16,231	13TH	18.04%	1,467,275							
20	Jul-09		1171.8	2,192.38	13,154	14TH	18.04%	1,707,025		2343.6	2280	13,678		1171.8	3,247.00	19,478	14TH	18.04%	1,707,025							
20	Jul-10		1171.8	2,630.86		15TH	18.04%	1,994,726		2343.6	2736			1171.8	3,896.00		15TH	18.04%	1,994,726							
20 (Medical)	Jul-10		1171.8	3,157.03	18,942					2343.6	3283	19,697		1171.8	4,675.00	28,049										
20	Jul-11		1171.8	3,157.03	22,099					2343.6	3283	22,980		1171.8	4,675.00	32,724										
20	Jul-12		1171.8	3,788.44	25,888					2343.6	3939	26,919		1171.8	5,610.00	38,334										
20	Jul-13		1171.8	2,273.06	28,161					2343.6	2364	29,283		1171.8	3,365.00	41,699										
20	Jul-14	1171.8	2,500.37	30,661				2343.6	2600	31,883	1171.8	3,702.00	45,401													
AT THE TIME OF RESTORATION INVESTMENT INTO BEHBOOD SAVING CERTIFICATE								1,994,726	AT THE TIME OF RESTORATION INVESTMENT INTO BEHBOOD SAVING CERTIFICATE								1,994,726									
AT THE RATE OF RS.840/- PER MONTH ACTUAL RATE OF RETURN ON 17.06.2003								16,756	AT THE RATE OF RS.840/- PER MONTH ACTUAL RATE OF RETURN ON 17.06.2003								16,756									
MONTHLY PENSION INCOME								30,661	MONTHLY PENSION INCOME								45,401									
TOTAL TAKEHOME INCOME(PENSION + INCOME FROM INVESTMENT)								47,417	TOTAL INCOME OF PENSION								31,883	TOTAL TAKEHOME INCOME(PENSION + INCOME FROM INVESTMENT)								62,157

RESTORED ON 01.12.2001

PENSION PAYMENT ORDER NO. 182346

NAME OF PENSIONER. MR MUHAMMAD ASLAM DESIGANTION. PROFESSOR BS 19 DATE OF BIRTH 01.12.1926 DATE OF RETIREMENT 30.11.1986 DATE OF RESTORATION 01.12.2001

GROSS PENSION 3706.66 NET PENSION. 1853.33 COMMUTATION RECEIVED. RS.343939/-

RATE OF INCREASE (%)	DATE OF INCREASE	PENSION ON PRESENT METHOD				COMMUTATION ON INVESTED IN DSC.	343,939	NET WORTH AT THE END OF EACH YEAR.
		ON NET / GROSS	NET PENSION	INCREASE	TOTAL			
4%	88 INDEX	1853.33	148.25	2001.59				
7%		1853.33	259.42	2261				
10	Jul-90	1853.33	411.43	2672	1ST	16%	388,651	
12	Jun-91	1853.33	543.1	3215.54	2ND	16%	440,242	
10	Jul-95	1853.33	506.88	3722.42	3RD	16%	505,590	
20	Jul-99	1853.33	1115.15	4837.57	4TH	16%	584,696	
RESTORATION 01.12.2001		1853		6691	5TH	16%	680,999	
					6TH	16%	797,938	
15	Dec-01	1853.33	1003.63	7694.53	7TH	16%	935,514	
15	Jul-03	1853.33	1154.18	8848.71	8TH	16%	1,097,165	
16	Jul-04	1853.33	1415.79	10264.5	9TH	16%	1,289,771	
10	Jul-05	1853.33	1026.45	11291	10TH	16%	1,516,771	
15	Jul-06	1853.33	1693.64	12984.6	NET WORTH REINVESTED FOR FIVE YEARS			
20	Jul-07	1853.33	2596.91	15581.5	11th YEAR	18.04%	1,729,119	
20	Jul-08	1853.33	3116.3	18697.8	12th YEAR	18.04%	2,002,138	
20	Jul-09	1853.33	3739.56	22437.4	13th YEAR	18.04%	2,320,660	
20	Jul-10	1853.33	4487.47		14th YEAR	18.04%	2,699,852	
20(Medical)	Jul-10	1853.33	5384.96	32310	15th YEAR	18.04%	3,154,884	
20	Jul-11	1853.33	5384.96	37694				
20	Jul-12	1853.33	6461.95	44157				
10	Jul-13	1853.33	3877.27	48034				
10	Jul-14	1853.33	4264.9	52299				
AT TIME OF RESTORATION INVEST. INTO BEHBOOD SAVING CERTIFICATE							3,00,000	
AT RATE OF RS.840/-PER MONTH ACTUAL RATE OF RETURN ON 01.12.2001							25,200	
BALANCE INVESTED IN REGULAR INCOME CERTIFICATES							154,884	
AT RATE OF RS.770/-PER MONTH ACTUAL RATE OF RETURN ON 01.12.2001							1,193	
TOTAL INCOME FROM BEHBOOD AND REGULAR INCOME CERTIFICATES.							26,393	
MONTHLY PENSION INCOME							52,299	
TOTAL TAKEHOME INCOME(PENSION + INCOME FROM INVESTMENT)							78,692	

FULL PENSION WITHOUT AVAILING COMMUTATION			
ON NET / GROSS	PENSION	INCREASE	TOTAL
	3706	148.25	2001.59
	3706	259.42	2261
	3706	411.43	2672
	3706	543.1	3215.54
	3706	506.88	3722.42
	3706	1115.15	4837.57
RESTORATION IS NOT APPLICABLE			
	3706	1003.63	7694.53
	3706	1154.18	8848.71
	3706	1415.79	10264.5
	3706	1026.45	11291
GROSS	3706	1693.64	12984.6
	3706	2596.91	15581.5
	3706	3116.3	18697.8
	3706	3739.56	22437.4
	3706	4487.47	
	3706	5384.96	32310
	3706	5384.96	37694
	3706	6461.95	44157
	3706	3877.27	48034
	3706	4264.9	52299
TOTAL INCOME OF PENSION		52,299	

DOUBLE PENSION				COMMUTATION ON INVESTED IN DSC.	343,939	NET WORTH AT THE END OF EACH YEAR.
ON NET / GROSS	PENSION	INCREASE	TOTAL			
	1853.33	148.25	2002			
	1853.33	269.82	2271			
GROSS	1853.33	412.47	2684	1ST	16%	388,651
	1853.33	544	3228	2ND	16%	440,242
	1853.33	508	3736	3RD	16%	505,590
	1853.33	1118	4854	4TH	16%	584,696
4854 X 2 = 9676				5TH	16%	680,999
				6TH	16%	797,938
	1853.33	1,451.00	11,127	7TH	16%	935,514
	1853.33	1,669.00	12,796	8TH	16%	1,097,165
	1853.33	2,047.00	14,843	9TH	16%	1,289,771
	1853.33	1484	16327	10TH	16%	1,516,771
	1853.33	2449	18777	NET WORTH REINVESTED FOR FIVE YEARS		
DOUBLE	1853.33	3,755.00	22,532	11th YEAR	18.04%	1,729,119
	1853.33	4,506.00	27,038	12th YEAR	18.04%	2,002,138
	1853.33	5,408.00	32,446	13th YEAR	18.04%	2,320,660
	1853.33	6,489.00		14th YEAR	18.04%	2,699,852
	1853.33	7,787.00	46,722	15th YEAR	18.04%	3,154,884
	1853.33	7,787.00	54,509			
	1853.33	9,344.00	63,853			
	1853.33	5,606.00	69,459			
	1853.33	6,167.00	75,626			
AT TIME OF RESTORATION INVEST. INTO BEHBOOD SAVING CERTIFICATE						3,00,000
AT RATE OF RS.840/-PER MONTH ACTUAL RATE OF RETURN ON 01.12.2001						25,200
BALANCE INVESTED IN REGULAR INCOME CERTIFICATES						154,884
AT RATE OF RS.770/-PER MONTH ACTUAL RATE OF RETURN ON 01.12.2001						1,193
TOTAL INCOME FROM BEHBOOD AND REGULAR INCOME CERTIFICATES.						26,393
MONTHLY PENSION INCOME						75,626
TOTAL TAKEHOME INCOME(PENSION + INCOME FROM INVESTMENT)						102,019