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Lahore High Court, Lahore
25/3/26

Judgment Sheet

IN THE LAHORE HIGH COURT LAHORE
JUDICIAL DEPARTMENT

W.P. No. 3940 of 2023.

Mst. Fehmida Akhtar **Versus** Chief Executive LESCO, etc.

JUDGMENT

Date of hearing: 17.03.2026.

Petitioner in this petition by:- Mr. Allah Nawaz Khosa, Advocate.

Petitioner in connected petition by:- Mr. Muhammad Nadeem Abbasi, Advocate

Respondents by:- Ms. Babra Akram Jadoon, Assistant Attorney General for Pakistan.
Mr. Ahmad Pervaiz, Advocate.

Shujaat Ali Khan, J: - Through this single judgment, I intend to decide W.P. No.3940/2023 (**"this petition"**) and W.P. No.6146/2023 (**"connected writ petition"**) having commonality of law and facts.

2. Briefly stated factual background of the instant petition is that Ijaz Ahmad Virk, husband of the petitioner, died on 30.06.2015, while serving as Line Superintendent-I in Lahore Electricity Supply Company Limited (**"LESCO"**). Upon fulfillment of codal formalities, Pension Payment Order was

issued in favour of the present petitioner being widow of late employee. The petitioner submitted application for payment of lumpsum grant for purchase of plot under the Prime Minister Assistance Package. While granting the request of the petitioner, the Director General (Admn.) LESCO (respondent No.2) issued Office Order according sanction for payment of Rs.50,00,000/- in favour of the petitioner for purchase of plot. Further, the petitioner was also held entitled for lumpsum grant of Rs.12,00,000/- under the Prime Minister Assistance Package. As the said amounts were not paid despite sanction by the competent authority, the petitioner has filed this petition.

3. Insofar as the factual plane of the connected petition is concerned, Mst. Nadia Nazir, wife of the petitioner in the said matter, died on 18.03.2018, while serving as Senior Superintendent Sanda Sub Division, LESCO. After death of his wife, the petitioner filed application for his appointment as Commercial Assistant and payment of family pension. As the request of the petitioner was not acceded to, he was constrained to file Writ Petition No.220527/2018 before this Court, which was disposed of by this Court *vide* order, dated 21.06.2018, directing for decision of pending application of the petitioner. As the order passed by this Court in the afore-referred writ

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petition was not complied with, the petitioner filed contempt petition (Crl. Org. No.59407/2019) and during proceedings in the said contempt petition, the departmental representative produced copy of letter, dated 29.10.2019, rejecting application of the petitioner. Being aggrieved of letter, dated 29.10.2019, the petitioner Writ Petition No.75255/2019 before this Court. The said matter was disposed of by this Court *vide* order, dated 07.12.2021 by issuing direction to respondent No.4 therein to decide the fate of pensionary emoluments referred to him by respondent No.2 therein. As order dated 07.12.2021 passed by this Court was not being complied with, the petitioner was constrained to file another contempt petition (bearing No.11863/2022), which was disposed of *vide* order, dated 26.04.2022, with the direction to the petitioner to collect the cheques prepared by the department in his favour in lieu of the pensionary emoluments. As the amount of the grants, permissible under the Prime Minister Package, was not included in the cheques, which were issued in the name of the petitioner despite the fact that he was held entitled for the same by the relevant authority, he filed another contempt petition (bearing No.61282/2022) before this Court which was disposed of *vide* order, dated 26.10.2022, while issuing direction to the

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departmental authorities for implementation of the earlier decision of this Court.

4. As the petitioners in both these matters were not paid the amount under the Prime Minister Assistance Package, they have filed these petitions seeking direction to the respondents for release of the amount sanctioned in their favour.

5. Learned counsel for the petitioner, in this petition, submits that when sanction was accorded by the competent authority for payment of grants under the Prime Minister Assistance Package, the respondents had no other option but to pay the same as after sanctioning of the amounts in her name, she was entitled for payment thereof. Adds that when the LESCO adopted the Prime Minister Assistance Package, the petitioner could not be deprived of the sanctioned amounts.

6. Learned counsel representing the petitioner, in connected petition, in addition to adopting the arguments, advanced by learned counsel for the petitioner in this petition, submits that *mala-fide* conduct on the part of the respondents is evident from the fact that they did not pay the sanctioned amount to his client despite the fact that clear cut directions were issued by this Court on number of occasions during proceedings in the writ petitions as well as contempt petitions, filed by the petitioner.

7. Learned counsel appearing on behalf of the respondent-LESCO, while opposing the submissions made by learned counsel for the petitioners in both these matters, states that the Board of Directors of LESCO, in its 248th meeting, held on 29th and 30th June, 2022 *inter-alia* approved for revocation/ discontinuation of the Prime Minister Assistance Package w.e.f. 30.11.2021, thus, the petitioners were not entitled for any grant under the said package. Adds that the sanction in favour of the petitioners was subject to the seniority being maintained for such persons and when no payment was paid to them prior to revocation/discontinuation of Prime Minister Assistance Package, they are not entitled to the same. Further adds that *bona fide* of the LESCO authorities is evident from the fact that all pensionary emoluments have already been paid to eligible persons of the deceased employees and even today the department is ready to entertain any claim relating to the outstanding pensionary emoluments of the deceased employees but the petitioners cannot pray for grant of amounts under the Prime Minister Assistance Package.

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8. I have heard learned counsel for the parties at considerable length and have also gone through the documents, appended with this petition.

9. It is matter of record that the LESCO adopted the Prime Minister Assistance Package for families of LESCO employees who died during service w.e.f. 09.02.2015 *vide* policy letter bearing No.LESCO/Admn/10176-95, dated 06.06.2018 and No.LESCO/Admn/13650-99 (Annexure-D to this petition) and in the light of the said policy decisions, sanction was accorded in favour of the petitioners for payment of grants for purchase of plot and Rs.12,00,000/- each, under the said package, which being still intact the assertion of learned counsel representing the respondent-LESCO that the same was subject to the seniority, does not appeal to a man of prudent mind.

10. While assisting the Court, learned counsel appearing on behalf of the respondent-LESCO put much emphasis on the fact that since the Prime Minister Assistance Package was revoked/discontinued *vide* Office Order, dated 06.09.2022, the petitioners are not entitled to any amount under the Prime Minister Assistance Package. To appreciate the said plea of learned counsel, I have gone through the referred Office Order, which for convenience of reference is imaged herein below:-

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LAHORE ELECTRIC SUPPLY COMPANY
ADMINISTRATION DIRECTORATE
22-A Queens Road Lahore P.O.Box #2261
Ph. # 99205466 Box 99204820-30
75

OFFICE ORDER

BOD LESCO in its 248th meeting held on 29th & 30th June, 2022 has accorded approval of "LESCO Assistance Package-2022" for Serving / Retired / Deceased employees of

LAHORE ELECTRIC SUPPLY COMPANY
ADMINISTRATION DIRECTORATE
22-A Queens Road Lahore P.O.Box #2261
Ph. # 99205466 Box 99204820-30
75

14	GLI	BPS		Amount (Rs.)
		1 to 2		400,000
		3 to 5		450,000
		6 to 8		500,000
		9 to 12		550,000
		13 to 15		600,000
		16 to 17		700,000
		18 to 19		950,000
		20 & above		1,000,000
		The amount of GLI (ADBR) will be doubled for Lineman-I, Lineman-II & certified ALM in case of fatal accident.		
15	Education / Scholarship	For two children of serving employee/ retired/ widow:		
		Class	Criteria	Amount (Rs.)
		Matric	80%	20,000
		Intermediate	80%	25,000
		Graduation	3.5 CGPA	30,000
		Top three positions in Board/University		
		Class	1st / 2nd / 3rd	
		Matric	60,000 / 50,000 / 40,000	
		Intermediate	80,000 / 60,000 / 50,000	
		Graduation	100,000 / 80,000 / 70,000	
		Post-Graduation	150,000 / 120,000 / 100,000	
			*Only one applicable	

Note:-

1. The Prime Minister Assistance Package, PEPCO Assistance Package and Covid-19 Assistance Package stands revoked / discontinued w.e.f. 30-11-2021.
2. The payments already made during the period Dec 2021 to June 2022 under above mentioned packages shall be considered as legal payments, and no further payments shall be made under previous packages.
3. All other office orders regarding benefits / facilities mentioned in "LESCO Assistance Package-2022" stands amended to that extent.
4. The "LESCO Assistance Package-2022" will be effective from 01-12-2021.

6.9.22
(Mian Muhammad Afzal)
Admn Director LESCO

Info:

- All Executive Directors LESCO
- Company Secretary LESCO
- All Chief Engineers/D.Gs LESCO
- Director Coord. to CEO LESCO
- All Mgrs/DMs/AMs LESCO
- Master file

No. LESCO/Admn/ 15297-320 Dated: 6-9-22

From the above, it is vividly clear that the Prime Minister

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Assistance Package was revoked/discontinued w.e.f. 30.11.2021 whereas the sanction was accorded in favour of the petitioners in the year 2020, thus, the said revocation/ discontinuation could not be applied retrospectively to the disinterest of the petitioners. In the given circumstances, reliance of learned counsel representing the respondent-LESCO on the above imaged Office Order is not justified.

11. For what has been discussed above, I have no hesitation to hold that the Office Order, dated 06.09.2022, is not applicable in the cases of the petitioners as the Prime Minister Assistance Package was revoked/discontinued w.e.f. 30.11.2021 whereas the sanction was accorded in favour of the petitioners in the year 2020. Consequently, both these petitions are **accepted** and inaction on the part of the respondents to refuse payment of sanctioned amount is declared illegal and unlawful. Resultantly, the Director General (Admin) LESCO is directed to ensure payments of the amounts, sanctioned in favour of the petitioners under the Prime Minister Assistance Package, forthwith. No order as to costs.

Judge

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M. Tahir*