

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
MIRPURKHAS.**

C.P. No.D-588 of 2025

[Rajesh Kumar vs. Province of Sindh & others]

BEFORE:

JUSTICE ADNAN-UL-KARIM MEMON

JUSTICE RIAZAT ALI SAHAR

Mr. Masood Ahmed Laghari, advocate for the petitioner.

Mr. Muhammad Sharif Solangi, Assistant A.G. Sindh along with
Mr. Mevo Gahlro, Head Clerk D.F.C., Mirpurkhas.

Date of hearing & decision: 03.12.2025.

ORDER

ADNAN-UL-KARIM MEMON J.- Through this petition, the petitioner has prayed to direct the respondents to release the admitted wheat procurement amount of Rs.40,07,640/- to the petitioner, for which he has been roaming in the offices of respondents since 2023.

2. The case of the petitioner is that in the year 2023, the Food Department Mirpurkhas procured 407 bags of wheat from him and issued three bills totaling amounting to Rs.40,07,640/- in his favor. When the petitioner presented these bills for encashment at the designated bank, they were not processed due to delayed presentation. The petitioner contends that this delay occurred due to refusal in engaging in the alleged corrupt practices prevailing within the Food Department. Despite this, the petitioner made repeated efforts to obtain payment from the respondents. However, in spite of internal communications between offices, the payment has yet to be released. As a result of this non-payment, the petitioner has suffered significant financial hardship. It is further stated that, in all communications whether internal or external the petitioner's claim has remained undisputed. Therefore, this Honorable Court has jurisdiction to hear and adjudicate the matter, as the contractual obligation is an admitted fact. Nonetheless, due to the prevalent nepotism and alleged corruption within the Food Department, the petitioner has been unable to receive his rightful payment. He submitted that for these reasons, the petitioner qualifies as an "aggrieved person" under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, as his fundamental rights, guaranteed under the Constitution have been seriously infringed. Given these compelling circumstances, the petitioner has no other effective or alternate remedy

and is thus compelled to invoke the jurisdiction of this Honorable Court. He prayed to allow this petition.

3. Learned AAG submitted that the Sindh Food Department conducted its wheat procurement campaign for Crop Year 2022-23 on first-come, first-served basis, with specific procurement targets assigned to each district. The payment mechanism for wheat delivered at government-established Wheat Procurement Centers (WPCs) was arranged through Cash Credit Limits provided to designated scheduled banks by the State Bank of Pakistan, with specified timelines and limits; that once the In-Charge of WPC Mirpurkhas received wheat from growers, an Acknowledgment Receipt / Purchase Weight and Quality Certificate was initially issued, followed by issuance of payment invoice or bill, which the grower was required to present at the designated bank for clearance; that the petitioner attempted to attribute delay to the respondents; however, this was an effort to cover his own negligence in failing to present the bills to the bank within the prescribed timeframe. Once the grower tendered wheat at WPC and received Acknowledgment Receipt detailing the date, quality and quantity, the person in charge had no discretion to delay or withhold issuance of bills. The concerned bank has confirmed that the bills were not presented for clearance within the required period, and correspondence between Respondent No.3 and the bank corroborates this fact. Learned AAG further submitted that the petitioner reported non-payment of bills on 08.08.2023, by which time the 2022-23 wheat procurement campaign in Mirpurkhas had already concluded. Upon receiving the complaint, Respondents 2 & 3 made *bona fide* efforts to communicate the petitioner's case to the competent authority for lawful resolution, despite the petitioner's failure to present the bills on time; that the petitioner tendered total of 39.900 metric tons of wheat at WPC Mirpurkhas, and while the payment remains pending, the In-Charge had duly issued Acknowledgment Receipts and Payment Invoice/Bills in accordance with contractual obligations. Any grievance on the part of petitioner cannot be attributed to corruption or negligence on the part of respondents. The petitioner's claim is on record and is required to be addressed in accordance with the prescribed procedures and codal requirements.

4. After hearing the arguments and perusing the record, it is noted that the petitioner claims to have supplied 407 bags of wheat to the Food Department Mirpurkhas in 2023, with three bills totaling amounting to Rs. 4,007,640/- issued in his favor. Despite repeated efforts, the payment has not been released. The respondents submitted that the procurement campaign was conducted on a first-come, first-served basis with strict timelines for bill presentation, and the petitioner failed to present the bills within the prescribed period. While the petitioner did tender 39.900 metric tons of wheat and received Acknowledgment Receipts and

Payment Invoices, procedural requirements, particularly bill presentation and banking clearance, were not fulfilled. The respondents, however, made *bona fide* efforts to forward the petitioner's case to the competent authorities.

5. In such circumstances, petitioner's claim non-payment is partly factual but procedural lapses on his part have contributed to the delay. There is no evidence to establish corruption or malafide conduct on the part of respondents. The matter requires adherence to proper procedures and codal formalities for lawful resolution. Accordingly, this Court directs the competent authority of Sindh Food Department to verify the petitioner's submission of wheat and related documents and, in accordance with applicable rules, ensure that the payment due, if any, is processed and paid expeditiously within two months.

6. The Constitutional Petition is disposed of with the above directions.

JUDGE

JUDGE

Karar_Hussain/PS