

HIGH COURT OF SINDH CIRCUIT COURT, MIRPURKHAS

C.P. No.D-1290 of 2024

[Javed Kumbhar vs. Province of Sindh and Others}

Before:

JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE RIAZAT ALI SAHAR

Mr. Sikander Ali Kolachi, advocate for petitioner

Mr. Muhammad Sharif Solangi, Assistant A.G Sindh a/w Deputy Director D.G Health Office Hyderabad (Dr. Sadique Ali) and DHO Umerkot (Dr. Muhammad Ali)

Date of hearing & decision: 19.11.2025

ORDER

ADNAN-UL-KARIM MEMON J.- The petitioner prays that this Court may be pleased to:

- a) Direct Respondents 1–7 to provide complete details of movable/immovable assets, annual budgets, funds and expenditures of DHQ Umerkot and Taluka Hospitals (Samaro, Kunri, Pithoro) for fiscal years 2021-2022 and 2023-2024.
- b) Direct the respondents to ensure provision of proper medical facilities including X-ray, Ultrasound, ECG, laboratory, medicines and ambulance service and to appoint qualified doctors and technical staff for the public welfare.
- c) Direct the respondents to take strict action against doctors and staff running private clinics and referring patients from DHQ/THQ hospitals to their own establishments.
- d) Grant any other relief deemed just and proper in the interest of justice.

2. Learned counsel for the petitioner submits that the petitioner is an Advocate of this Court and a social activist who has been actively working for public welfare in District Umerkot; that the population of District Umerkot is approximately 2.3 million, and the residents of Taluka Samaro, Taluka Pithoro and Taluka Kunri also rely upon District Headquarters (DHQ) Hospital Umerkot for medical treatment; however, the hospital lacks the necessary medical facilities despite continuously increasing population' that although the Government established DHQ Hospital Umerkot to provide health services and equipped it with essential facilities bit due to mismanagement, corruption and negligence, the hospital is not functioning as intended; that several doctors appointed at DHQ Umerkot

are simultaneously running private clinics and hospitals neglecting their official duties and routinely referring patients to their private establishments, thereby turning DHQ Umerkot into a mere “refer center.” Counsel added that the petitioner has received numerous complaints from the public regarding non-availability of basic services, dereliction of duties by the medical staff and misuse of hospital resources. The emergency ward, in particular, is stated to be non-functional, lacking even basic necessities such as cleanliness, oxygen, X-ray, ultrasound, ECG, laboratory testing, ambulance service, snake-bite vaccine and essential medicines; that important medical machinery, including X-ray and ultrasound units, has allegedly been shifted to the private farmhouse of Respondent No.6, the District Accounts Officer, where such equipment has deteriorated due to non-use. Respondent No.6 is stated to have occupied the same post for more than 15 years and is alleged to be habitually involved in illegal gratification; that DHQ Umerkot also suffers from severe shortages of technicians, specialists and trained staff, particularly in the operation theatre and laboratory; that in CP No. D-1104/2017, this Court constituted a District Health Committee tasked with inspecting DHQ and THQ hospitals regarding availability of staff, machinery, medicines and overall facilities. However, Respondent No.4 has failed to comply with these directions, resulting in continued corruption and the deterioration of health facilities, as reflected in orders dated 11.9.2017, 4.7.2019 and 18.7.2019; that every citizen has the right to access information under Sindh Transparency and Right to Information Act, 2016 read with Article 19-A of the Constitution. Despite this, when the petitioner sought details relating to assets, budgets, machinery, medicines and staffing of DHQ Umerkot and Taluka Hospitals of Samaro, Kunri and Pithoro for fiscal years 2021-2022 and 2023-2024, the official respondents failed to provide any information. A legal notice issued on 20.6.2024 was ignored by Respondent No.4, while Respondent No.6 replied that he lacked the authority to furnish the information. Learned counsel further submitted that the petitioner himself sustained injuries on 19.7.2024 and upon visiting DHQ Umerkot, at the first hand he witnessed the absence of doctors, technicians, medicines, emergency services and rescue facilities, which confirmed the critical condition of the hospital. In these circumstances, counsel submitted that the acts of negligence, corruption and deprivation of fundamental rights rendered the petitioner an aggrieved person within the meaning of Article 199 of the

Constitution, thus entitling him to invoke the constitutional jurisdiction of this Court.

3. Learned A.A.G opposed the petition without filing comments.
4. In view of the above-mentioned facts, the material available on record and the continuous failure of the concerned authorities to provide basic healthcare facilities at DHQ Umerkot and Taluka Hospitals, this Court is of the considered view that the issues raised by the petitioner pertain to fundamental rights guaranteed under Articles 9, 14, 18, and 19-A of the Constitution. The persistent non-compliance of the respondents despite their statutory obligations and earlier directions issued by this Court in CP No. D-1104 of 2017 reflects a clear picture of administrative neglect, mismanagement and failure to discharge mandatory public duties. Accordingly, while this petition merits consideration, the petitioner is directed to submit a proper application before the competent authority of the respondents under the Sindh Transparency and Right to Information Act, 2016. Upon receipt of such an application, and if the request falls within the ambit of the law, the respondents shall be bound to furnish complete record, including details of movable and immovable assets, annual budgets, funds, staff positions, and medical equipment of DHQ Umerkot and Taluka Hospitals for the relevant fiscal years. Furthermore, the respondents are directed to: (i) ensure the restoration and proper functioning of essential medical services, including X-ray, ultrasound, ECG, laboratory facilities, emergency services, ambulance service, and uninterrupted availability of medicines; (ii) initiate appropriate departmental action against doctors and staff found engaged in private practice during official duty hours or involved in referring patients to their private clinics or hospitals; and (iii) strictly comply with the earlier directions of this Court regarding constitution and functioning of the District Health Committee.
5. Accordingly, the petition stands allowed to the extent indicated above, with further directions to ensure strict compliance within three months, and to submit a compliance report through Additional Registrar of this Court.

JUDGE

JUDGE