

Order Sheet

HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD

CP No. D- 1803 of 2025
[Rizwan Ali v. Province of Sindh & others]

Before :

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Riazat Ali Sahar

Petitioner : Through Mr. Muhammad Fayaz Arain, Advocate

Mr. Rafiq Ahmed Dahri, Asstt: A.G., along with
Sadiq Ali Khowaja DHO & Dr. Amir Khan Khushuk,
Incharge M.O. Taluka Hospital Tando Ghulam Hyder

Date of Hearing
& Decision: 11.11.2025

ORDER

ADNAN-UL-KARIM MEMON, J.- Through this Constitutional Petition, the petitioners have prayed for the following relief:-

- a) That this Honourable Court may be pleased to direct the respondents to provide basic medical facilities, provide an ambulance, medicines to needy people, and make the Taluka Hospital fully functional on day and night shifts.
- b) That this Honourable Court may direct the respondents to take action and make an inquiry against ghost employees and regarding the misuse of funds.
- c) That this Honourable Court may be pleased to direct the respondents to install a biometric system at the Hospital to ensure sure attendance of employees/doctors.

2. The case of the petitioners is that he is social worker, and the present Petition is about public interest litigation. In the memo of Petition it has been stated that as per census of 2023 the total population of Taluka Tando Ghulam Hyder is 2,06,665; the government of Sindh constructed Taluka hospital for which huge budget of Rs. 54,80,2000 was kept in 2023-24 as per government record and there is sufficient medical staff appointed for the hospital i.e. Chief Medical Officer, Senior Medical officer, 16 Medical Officers Male / Female, 4 staff Nurses but most of them remain absent due to poor check and balance; besides despite huge funds there is scarcity of life saving drugs i.e. insulins for diabetic patients, dog and snake bite vaccinations etc; that since the staff and

Authorities are in league with each other, hence finding no other alternate remedy the Petitioner has filed the instant Petition.

3. Upon notice, respondent No.4 DHO Tando Muhammad Khan has filed comments in which it is mainly stated that in the year 2023-24, the total budget was 54,685,000, in which the salary budget was Rs. 39,234,000 and the non-salary budget was Rs. 15,451,000. He further submitted that no Chief Medical Officer (BPS-19) & Senior Medical Officer (BPS-18) are posted at THQ Hospital, Tando Ghulam Hyder. However, Medical Officers and Staff Nurses who are appointed regularly attend their duties, and their regularity and punctuality are being monitored through a biometric machine installed at the Hospital. He further submitted that the required medicine always remains present at the Hospital. He further submitted that the laboratory is functional and routine tests are being performed, whereas no X-Ray technician is posted at the Hospital and a request has been made to the High-ups for the appointment.

4. Having considered the pleadings, the respondents' comments, and the law on the subject issue.

5. In view of the material placed on record, this Court is of the view that the Petitioner's grievances regarding non-functionality of the Taluka Hospital, Tando Ghulam Hyder, the absence of medical staff, and the non-availability of life-saving medicines are matters of public importance involving enforcement of fundamental rights guaranteed under Articles 9 and 14 of the Constitution. The respondents are under constitutional and statutory obligation to provide adequate health-care facilities to the residents of the area. Mere budgetary allocations or formal installations do not fulfill this obligation unless translated into effective and continuous service delivery. Therefore, while the respondents claim that biometric attendance has been installed and medicines are available, the circumstances of the case warrant judicial directions to ensure transparency and efficient functioning of the hospital. Accordingly, this petition is allowed in part with the following directions:

a. The respondents shall ensure that the Taluka Hospital, Tando Ghulam Hyder, remains fully functional on 24-hour basis, with proper deployment of medical and paramedical staff in both day and night shifts.

- b. The respondents shall ensure the availability of at least one fully equipped and operational ambulance at all times for emergency use.
- c. The respondents shall maintain adequate stock of essential and life-saving medicines, including insulin, dog-bite and snake-bite vaccines, and other emergency drugs, and shall display the list of available medicines publicly within the hospital premises.
- d. The respondents shall ensure that the biometric attendance system remains functional and that attendance records of all doctors and staff are monitored regularly. Monthly attendance reports shall be submitted to the competent authority for inspection.
- e. The Health Department shall conduct an inquiry into the allegations of ghost employees and possible misuse of hospital funds. A compliance and audit report shall be filed before this Court within six (6) weeks.

6. With these directions, the petition stands disposed of along the lines of recent pronouncements of this Court at Sukkur Bench, which have emphasized accountability, transparency and effective provision of public health services.

JUDGE

JUDGE

karar_hussain/PS*