

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P.No.D-4723 of 2015

Date	Order with signature of Judge
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Hg/Priority

1. For hearing of CMA No.21018/15
2. For hearing of main case.

24.05.2018

Mr. Shoukat Ali Shaikh, advocate for the petitioner.
Mr. Ghulam Shabbir Shah, Addl.A.G. Sindh alongwith
Ms.Rukhsana Mehnaz Durrani, State Counsel.
Mr. Zahid Soomro, Advocate for KW& SB.
Shakeel Ahmed, Deputy Secretary, Finance Department and
Faizullah Tunio, Section Officer(Legal) Finance Department.

The learned counsel for the petitioner argued that to meet the exigency and emergency, in the flood period, the respondent No.6 in the year 2010-11 called upon the petitioner to supply drinking water for the affectees of different areas throughout Sindh. On fulfillment of the entire contractual obligations, the petitioner submitted a bill and cheque was issued in the sum of Rs.56,751,805/- to the petitioner on 13.03.2013. The cheque was deposited but it was dishonoured by the bank due to insufficient funds. The petitioner informed the concerned quarter to this fact and he was assured time and again that the payment will be made to him in short span of time. The directions have been sought through this constitutional petition against the respondents to pay off his bills. In the first round the learned Additional Advocate General Sindh, admitted that the cheque was dishonoured but no such provisions have been made for payment to the petitioner. The learned Additional Advocate General Sindh, also highlighted relevant provisions from the comments filed by the Finance Department and requested us to keep aside the matter so that he may call the Deputy Secretary and Section Officer Finance Department, Government of Sindh. After break, the Deputy Secretary produced a copy of summary dated 28.02.2018, signed by Asif Jahangir, Acting Finance Secretary for the clearance of the liabilities amounting to Rs.56,75,805/- to the petitioner and he has also given the reference of this constitutional petition in the summary. We have noted that though the summary has been moved in the month of February 2018 but after lapse of considerable

period it has not been approved. The Deputy Secretary has not been able to give any plausible justification of the delay. Since this is a case of admitted liability and there is no disputed questions of facts, therefore, this petition is disposed of with the directions to the Chief Secretary Sindh to pursue the summary forwarded to the Worthy Chief Minister Sindh and he will ensure that the proper approval is accorded for the payment of long pending lawful dues of the plaintiff. This exercise should be completed within a period of 10 days. Copy of this order may be transmitted to the Chief Secretary as well as learned Advocate General Sindh. At this juncture, the learned counsel for the petitioner pointed out clause (a) of para No.3 of the summary in which it is stated that after making provision of funds the fresh cheque of the aforesaid amount may be deposited with the Nazir of this Court for ensuring that payment is made to the petitioner. The learned A.A.G. consented that on approval of the summary and release of funds, the cheque shall be deposited of an equal amount with the Nazir of this Court, thereafter the Nazir may intimate the petitioner for the collection of amount on proper verification and identification.

The petition stands disposed of along with listed application.

Judge

Judge