

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI

C.P.No.D-3322 of 2019

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

Before:-

Mr.Justice Muhammad Ali Mazhar

Mr.Justice Agha Faisal

Zarif Khan.....Petitioner.

Versus

Government of Sindh,

Through Secretary Finance

DepartmentRespondents.

30-05-2019

Mr.Qadir Khan, Advocate for the Petitioner.

Mr.Jawad Dero, A.A.G.

Muhammad Ali Mazhar, J: The petitioner is Government contractor and according to learned counsel he has successfully completed project of Community Development Program for Sustainable Development Goals 2017-18 against the allocation of PS III. The details of work are mentioned in paragraph 3 of the petition. Against the completion of aforesaid works the respondent issued a cheque amounting to Rs.1,48,43,750/- bearing No.3177221 of Sindh Bank dated 29.6.2018. The petitioner deposited the said cheque in his account in Sindh Bank, but the cheque was snatched by Robbers from the Rider of the Sindh Bank at the time when he went to handover the cheque for clearance. The petitioner has attached copy of cheque. The letter of Sindh Bank dated 12.07.2018 is also attached in which it is stated that the petitioner is maintaining his account in Sindh Bank and the said cheque was issued by Assistant Accountant General in his favour which was deposited on the same day in Sindh Bank SITE

Branch. The said cheque was handed over for clearance purposes, but the cheque was snatched from Rider near Gul-Bai and information of this incident was communicated to P.S. District West Karachi on the same day. This letter was communicated to the Deputy Commissioner Karachi South with further request to make arrangement for issuance of duplicate cheque in favour of the petitioner. One more letter dated 23.4.2019 is also available it was written by Executive Engineer, Community Development Program for Sustainable Development Goals, District South Karachi to the Chairman, Planning and Development Department, Government of Sindh in which also he narrated that the facts and made a request to grant funds to the extent of Rs.19.848 million for revalidation in the development scheme. One more letter dated 23.10.2018 is also available which was sent by Focal Engineer, CDP for SDG's, District South Karachi to the Secretary, Finance Department, Government of Sindh in which again the same request was made. Finally, a letter is also available at page-27 of the court file which was communicated by the Assistant Accounts Officer, Accountant General Sindh Karachi to Deputy Commissioner Karachi South in which it was verified that funds amounting to Rs.19,979,000/- was released during the year 2017-18 and gross expenditure was incurred to Rs.16,964,285/- in the month of June, 2016. Moreover, the cheque bearing No.3177221 dated 29.6.2016 net amount to Rs.14,843,750/- was issued to M/s.Zarif Khan and Brothers, but the same could not be encashed due to snatching of cheque by unknown persons from the Rider of Sindh Bank during clearance because of which reverse entry for expenditure was made through SAP System as such the funds of Rs.19,979,000/- could not be utilized hence balance is available Rs.19, 979,000/- .

2. The entire scenario leads to us finally that in the robbery of cheque the petitioner has nothing to do who is customer of the Bank. He deposited the cheque for clearance and the cheque was snatched from the Rider of the Bank, and despite continuously approaching the officials of the respondent to release the funds, the matter is being delayed for one or the other reason, which is not only verified by the Sindh Bank but the Planning and Development Department and Accountant General Sindh Office. No comments have been filed by the respondent, however, learned AAG submits that he has no objection if some directions are issued for payment to the petitioner subject to this verification as the same amount has not been paid earlier on the same ground.

3. As a result of above discussion, we direct the respondent to ensure payment to the petitioner and issue cheque after revalidation of the same amount within a period of 15 working days, however, Accountant General Sindh will verify and ensure that after making reverse entry this amount has not been paid or released earlier to avoid duplication of same payment.

4. The petition is disposed of.

Judge

Judge