

ORDER SHEET
HIGH COURT OF SINDH, KARACHI

Date	Order with signature of Judge
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Present

Mr. Justice Muhammad Ali Mazhar.

Mr. Justice Agha Faisal.

C.P. No.D-830 of 2016

Amity International & NGO (Regd.).....Petitioner

Versus

Province of Sindh & another..... Respondents

&

C.P. No.D-5807 of 2017

M. Tariq Mansoor.....Petitioner

Versus

Province of Sindh & another..... Respondents

Date of hearing 27.08.2019

Mr. Mehfooz Yar Khan advocate for the petitioner in C.P. No.D-830 of 2016 a/w petitioner Muhammad Imran Shahzad.

M. Tariq Mansoor, petitioner present in person in C.P. No.D-5807 of 2017.

Mr. Kafeel Ahmed Abbasi, DAG.

Mr. Jawad Dero, Addl. A.G.

Mr. Abdul Razzak, MIT-II, High Court of Sindh a/w Kamran Hamidi, D.G. Finance, High Court of Sindh.

Agha Zaheeruddin, Secretary, Agriculture, Supply and Prices Department, Government of Sindh.

Najam Ahmed Shah, Secretary Finance, Government of Sindh.

Abdul Samad Shaikh, Assistant Director (Legal), Agriculture, Supply and Prices Department, Government of Sindh.

Aftab Ahmed, Assistant Account Officer, Accountant General, Sindh.

Dr. Liaquat Ali Abro and Nadeem Ahmed Qureshi, Law Officers, Law Department, Government of Sindh.

Muhammad Ali Mazhar, J: In both the petitions, the petitioners have approached this court in the larger public interest and prayed for the directions against the respondents to establish Consumer Courts in all districts of Sindh. They have further prayed that according to Sindh Consumer Protect Act, 2014 Consumer Protection Council is to be constituted under Section 25 by the Government of Sindh and despite promulgation of this Act in the year 2014, notified in the month of March, 2015, no efforts have been made so far for constituting the Consumer Protection Council in the Province of Sindh. In the meanwhile some issues were also cropped up with regard to non-payment of salaries of learned Presiding Officers. At present 29 Consumer Protection Courts have been established in the Province of Sindh.

2. On notice the Secretary Finance, the Secretary, Agriculture, Supply and Prices Department, Government of Sindh and focal person of Accountant General office are present. So far as the issue of non payment of salaries to some Presiding Officers of Consumer Protection Courts is concerned, a clear statement has been given by the Secretary, Agriculture, Supply & Prices Department that the budget has been transferred to Law Department for the payment of salaries and MIT-II of this Court as well as Director General,

Finance both have also admitted that at present the budget has been transferred and on 26.08.2019, the Secretary, Law Department has also issued a letter to the learned Registrar of this court to show the sanction of District & Sessions Judges as Drawing & Disbursing Officer for the purpose of operating non-development funds in respect of 29 Consumer Protection Courts in the Province of Sindh under the head of Account "SC21118-Law Parliamentary Affairs". The MIT-II has also highlighted the procedure that since all District & Sessions Judges have been declared Drawing & Disbursing Officers, therefore, District Judges have to fill up FO-I Form and submit the same to the Accountant General Office, thereafter, the salaries will be released. He also pointed out some arrears which are also payable to the Presiding Officers of the Consumer Protection Courts. Aftab Ahmed, Assistant Accounts Officer/representative of the Accountant General Office, Sindh submits that as soon as the FO-I form is received in the office of Accountant General they will expedite the process and ensure the payment of the salaries of the Presiding Officers of the Consumer Protection Courts for the month of August, 2019 in the 1st week of September, 2019 without any fail and arrears will be paid along with the salary of September, 2019.

3. So far as the establishment of Consumer Protection Council in the province as well as Consumer Protection Council in all districts is concerned, the Secretary, Agriculture clearly stated that they will make all best possible

efforts and have also moved the summary to the Chief Minister, Sindh for the approval and immediately after approval of the summary, the Council at Provincial level as well as District Level will be constituted. This exercise shall be completed within twenty (20) days. With the above order both petitions are disposed of accordingly. Copy of this order be transmitted to the learned Addl. A.G., Secretary, Agriculture, Supply & Prices Department as well as Chief Secretary, Sindh for compliance.

JUDGE

JUDGE

Aadil Arab