

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH KARACHI**  
**C.P.No.D-2033 of 2017**

**DATE**

**ORDER WITH SIGNATURE OF JUDGES**

**Present**

**Mr.Justice Muhammad Ali Mazhar**

**Mr.Justice Adnan Iqbal Chaudhry**

Hamidullah

.....Petitioner

V/s

Province of Sindh & others.....Respondents

**04.09.2018**

Mr.Zayad Khan Abbasi, Advocate for the Petitioner.

Mr.Ghulam Shabbir Shah, A.A.G.

Mr.Saleem Akhter Baig, Advocate for DMC South.

Mr.Dhani Bux Bhutto, Section Officer (Legal) P&D  
Department, Government of Sindh is also present.

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**Muhammad Ali Mazhar, J:** Learned counsel for the petitioner pointed out the comments filed by respondent Nos.1 and 6 (Province of Sindh through Planning and Development Department & Additional Chief Secretary (Dev.) Planning & Development Department). The comments have been signed by Secretary (Planning). Paragraph 3 and 4 of the comments are relevant which are produced as under:-

“3. The Planning & Development Department, Government of Sindh in the light of above decision dated 09.09.2015 conveyed the said permission to the Deputy Commissioner, South-Karachi on 09.03.2016 to utilize the savings occurred from completed schemes of 2014-15 in 2015-16 with the condition that the schemes are in same constituencies (Annexure-C). Accordingly, the work on the scheme was started by the district on 27.04.2016 and completed on 06.06.2016. The bill of Rs. 8.125 million as final payment to the Contractor was submitted on 10.06.2016 for clearance in the A.G Sindh Office but same was not cleared till the end of financial year i.e. 30.06.2016.

4. In the light of above instructions of the Finance Department, Government of Sindh has been advice to re-

valid/release the un-utilized funds of Rs. 18.63 million vide Planning & Development, Government of Sindh's letter No. P&D/TPP/Pak MDGs CDP/D-2033/2017-18, dated 18.10.2017 (Annexure-D).”

2. He further pointed out annexure “D” of the comments which is a letter written by Sikandar Ali Shaikh, Chief (TPP), Planning and Development Department, Government of Sindh which has been communicated to the Secretary, Finance Department in which also the reference of C.P.No.D-2033/2017 has been given with the work done by the contractor along with amount of bill in the sum of Rs.8.125.

3. Basically the Planning and Development Department wants revalidation of unutilized funds of Rs.18.36 million to the Deputy Commissioner, South Karachi under Pak MDGs Community Development Program against the development schemes for NA-248, NA-249 and NA-250 for which the funds were lapsed in the year 2016-17. Learned AAG is of the view that the matter may be referred to the Secretary, P&D as well as Secretary, Finance Department and Deputy Commissioner South Karachi for verification whether the work has been done according to work order and if all formalities are complied with including satisfaction of work done by the petitioner the amount may be released to the petitioner for the work carried out by him.

4. We are of the view that if the entire work was carried out in accordance with work order for the year 2015-16 then there is no question to delay the payment and if the amount was unutilized or lapsed it is nothing to do with the petitioner because it is the responsibility of the Government of Sindh and the concerned Department to follow the terms and conditions of the contract and make payment accordingly in time.

5. This petition is disposed of with the directions to the Secretary, Finance Department and Secretary, Planning and

Development Department, Government of Sindh to examine the matter and after verification of work from the Deputy Commissioner South Karachi they will ensure that the petitioner's due amount will be paid within a period of one month. The concerned Department will also take all necessary steps for revalidation of unutilized funds to ensure the payment to the contractor.

Judge

Judge

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