

**ORDER SHEET
HIGH COURT OF SINDH, KARACHI**

C.P. No.D-750 of 2017

Date	Order with signature of Judge
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Present

Mr. Justice Muhammad Ali Mazhar.

Mr. Justice Amjad Ali Sahito.

Allah Dino BhattiPetitioner

Versus

Province of Sindh & othersRespondents

Date of hearing 28.01.2021

Syed Mureed Ali Shah advocate for the petitioner.

Mr. Jawad Dero, AAG.

Shahzad Ahmed, Assistant Engineer, Provincial Building
Department, Government of Sindh.

Muhammad Ali Mazhar, J: The case of the petitioner as alleged in para-3 of the petitioner is that he was awarded three tenders. The first tender relates to Rehabilitation of Pilot Shrimp Farm, Gharo for construction of laboratories for disease diagnostic and sea water analysis, whereas the next tender was awarded for the same project but for construction of training center and third tender relates to the hostel for 40 students in the same project. The petitioner has approached this court for the directions against the respondents to implement the revised rates as approved by the competent authority in the year 2012 and pay revise rate to the petitioner.

2. Learned counsel argued that though work orders were awarded in April, 2012 but the rates were applied as determined in the schedule 2004. Learned counsel alleged discrimination on the ground that for the same project in other tenders, the work orders were issued according to the revised schedule made in 2012. Whereas, in the case of petitioner he has been paid at the old rate as mentioned in schedule 2004. Learned counsel also mentioned report of Technical Committee as well as PC-1 attached with the statement filed by him on 11.11.2020. Learned counsel for the

petitioner further argued that respondent No.3, 4 & 5 have already sent their request for the revised rates but no action has been taken by the respondent No. 1 & 2 so far.

3. Learned AAG argued that tenders were awarded to the petitioner in April, 2012 but the rates were revised on 12.07.2012 and so far work order and contract of the petitioner are concerned, there is already an escalation clause mentioned where appropriate cushion is already provided. Shahzad Ahmed, Assistant Engineer, Provincial Building Department, Government of Sindh submits that petitioner has already been paid the amount as per the work order dated 24.04.2012 which is available at page 27 of the petition and clause (5) relates to escalation in the cost of cement, steel, brick and wood work which according to this clause required to be paid as per actual consumption and the rates taken will be as per Bureau of Statistics, Government of Pakistan. Learned AAG also referred to page 1 of the statement filed by the petitioner which is in fact a document of composite schedule of rates which was made effective from 12.07.2012. Learned AAG further submits that there is no question of discrimination to the petitioner.

4. Since the petitioner claims some discrimination as according to him, the benefit of revised rates was not given to him and it has been given to some other persons in the same project, therefore, in order to appreciate this fact, we direct the Secretary, Ministry of Works and Services (respondent No.2) to provide an opportunity of hearing to the petitioner where the petitioner will place all relevant documents and if the petitioner will be able to make out any case of revised rate in accordance with the work order or any prevailing policy/schedule, the necessary recommendation in accordance with law will be forwarded to the competent authority to consider the case of the petitioner. Petition is disposed of accordingly.

JUDGE

JUDGE