

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P. No. D – 411 of 2024

along with C. Ps. No. D – 413, 414, 418, 419, 424, 433, 449, 451, 458, 470, 479, 491, 504, 512, 518, 519, 520, 543, 546, 548, 549, 574, 594, 595, 602, 607, 613, 614, 621, 622, 627, 642, 643, 644, 646, 648, 649, 650, 652, 663, 665, 668, 671, 673, 675, 678, 679, 683, 709, 724, 726, 736, 738, 749, 751, 753, 756, 759, 763, 765, 770, 771, 773, 775, 777, 780, 781, 782, 790, 792, 794, 795, 797, 830, 831, 835, 842, 851, 864, 890, 898, 900, 901, 902, 908, 913, 919, 921, 922, 925, 926, 943, 952, 958, 961, 963, 1029, 1042, 1043, 1074, 1080, 1086, 1087, 1092, 1102, 1106, 1107, 1152, 1153, 1154, 1164, 1168, 1170, 1171, 1178, 1185, 1199, 1211, 1218, 1228, 1231, 1236, 1237, 1242, 1278 and 1279 of 2024

Date of hearing	Order with signature of Judge
-----------------	-------------------------------

For directions

1. For orders on CMA No.3697/2024 (Ex./A)
2. For hearing of CMA No.3698/2024 (C/A)

26.09.2024

M/s Irshad Hussain Dharejo, Ubedullah Malano, Nusrat Hussain Memon, Illahi Bux Jamali, Alam Sher Khan Bozdar, Syed Zafar Ali Shah Bukhari, Athar Hussain Abro, Riaz Ali Shaikh, Ali Akbar Shar, Sheeraz Fazal, Asif Ali Jatoi, Rehmat Ali, Deedar Ali M. Chohan, Israr Ahmed Shah and Muhammad Saleem Mastoi, Advocates for petitioners.

Mr. Aijaz Ahmed Sipra, Advocate for petitioners in some of the petitions pertaining to Food Department, Government of Sindh and for respondents-PASSCO in a number of petitions.

Mr. Dareshani Ali Haider 'Ada', Deputy Attorney General.

Mr. Ahmed Ali Shahani, Assistant Advocate General Sindh along with Khalid Mehmood Shaikh (Secretary, Food Department, Government of Sindh), Jagdish Kumar (District Food Controller, Sukkur), Hakim Ali (District Food Controller, Khairpur), Irfan Jokhio (District Food Controller, Naushahro Feroze) and Akhtar Khan (District Food Controller, Ghotki).

.....

Mr. Shafi Muhammad Bango, Advocate files *vakalatnama* on behalf of a respondent namely Pir Bux, Food Supervisor in C. P. No. D-648 of 2024, taken on record.

Compliance report has been furnished by the Secretary, Food Department, Government of Sindh, taken on record. It has been reported which fact has been affirmed by most of the Counsel present that with the

valuable assistance provided by the Food Department, in general, and by the Secretary present, in particular, the grievances of most of the petitioners have been redressed. The cheques for wheat payments have been issued to most of them, but they still show concerns that probably the cheques may be dishonoured; however, an undertaking has been given in this regard by the Department that none of the cheques will be dishonoured. In the circumstances, a large number of petitioners want to withdraw their petitions. Let them furnish a list of those petitions, so that the same could be disposed of.

Complying with the above, four statements have been filed by the following Advocates seeking withdrawal / disposal of the below mentioned petitions or the pending applications therein on the ground that grievances of the petitioners have been redressed or settled. A similar statement is also filed by the petitioner, who is appearing in person in C. P. No. D-1164 of 2024.

Name of Advocate	Petition Number
Mr. Irshad Hussain Dharejo	C. Ps. No. D-782, 1080 and 1087 of 2024
Mr. Alam Sher Khan Bozdar	C. Ps. No. D-451, 777, 925, 926 and 1092 of 2024
Mr. Sheeraz Fazal	C. Ps. No. D-518, 519, 520, 709 and 1185 of 2024
Mr. Aijaz Ahmed Sipra	C. Ps. No. D-411, 418, 470, 479, 546, 644, 679, 751, 1178 and 1242 of 2024

The petitions listed in the aforesaid table and C. P. No. D-1164 of 2024 along with undecided applications therein, which are pending, and the pending applications in any of the above petitions, which have been disposed of, as well as the pending applications in C. Ps. No. D-773 and 794 of 2024 which have been simply withdrawn by Mr. Irshad Hussain Dharejo, and C. Ps. No. D-675 and 756 of 2024, wherein withdrawal statements of Counsel for petitioners are available, stand **dismissed as withdrawn**.

There is another bunch of petitions challenging the issuance of bardana against PASSCO bearing C. Ps. No. D-646, 675, 678, 736, 738, 771, 781, 790, 890, 900, 908 and 919 of 2024. Learned Counsel for PASSCO has filed a separate statement in each of these petitions stating that distribution of bardana for wheat procurement has been closed on 28th May, 2024 vide their Head Office's letter dated 28.05.2024, a copy of which is also enclosed with every statement; hence, he prays for disposal of these petitions. An appropriate order in this respect will be passed on the next date of hearing after hearing the petitioners in person or Counsel for the petitioners in aforesaid petitions.

Counsel for the petitioners in C. Ps. No. D-648 and 652 of 2024 files two separate statements in each of these petitions along with various documents, taken on record. These petitions pertain to some inquiries taken against some of the Food Inspectors. Let a report be furnished by learned AAG Sindh on the next date of hearing as to the outcome of those inquiries.

Some of the petitioners still believe that their grievances have not been redressed. Let them file a statement, and that will be supplied to learned AAG Sindh for further communication to Food Department for compliance. In this regard, two statements have been filed in C. Ps. No. D-792 and 963 of 2024 supplying copies to the office of learned AAG Sindh, who is directed to act as above.

While purpose of filing most of the petitions have been served, however, significant lacunas have been exposed in the process that starts from issuance of bardana to the purchase of wheat. The report furnished by the Secretary in Para-3 shows that this issue is being considered and an electronic mechanism based on MIS system is being created, so that the system could run effectively. It is intention of this Court that no

grievance should be agitated by the *haris* as they play a vital role in ensuring food security for the province.

A Statement has been furnished by DAG, which shows that proceedings were instituted against the individuals who imported extra wheat. Let copies of those proceedings be furnished to this Court as well as a report with regard to availability of wheat, which has been calculated as 29.81 million metric tons, and how this number was calculated.

There are certain claimants from Naushahro Feroze. The Secretary Food is to look into the grievances of the *haris* of Naushahro Feroze as has been largely done for the other districts. The valuable assistance provided by the Department and the Secretary Food is appreciated.

To come up on 22nd October 2024 at 11:00 a.m. Attendance of the Secretary Food is dispensed with until and otherwise directed by this Court. Let a copy of this order cover in hand be supplied to the office of DAG as well as AAG Sindh for compliance.

Office to place a signed copy of this order in the captioned connected matters.

J U D G E

J U D G E

Abdul Basit