

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Const. Petition No.D-657 of 2024

Date of hearing	Order with signature of Judge.
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Hearing of Case
1.For orders on o/objections
2.For hearing of main case

16-07-2025

Mr. Rukhsar Ahmed Junejo, Advocate along with petitioner.
Syed Imtiaz Ahmed Shah Jillani, Advocate for respondent No.4.
Mr. Ghulam Abbas Kubar, Assistant A.G a/w Abdul Ghaffar, Director
General, Agriculture Marketing Sindh, Hyderabad (respondent No.3).

Learned counsel for respondent No.4 submits two post-dated cheques, dated 24.07.2025 and 05.08.2025, amounting to Rs.2,00,000/- have been issued in favour of the petitioner. The original cheques have been handed over to the petitioner against acknowledgment.

At the very outset, learned counsel for the petitioner submits that although respondent-Market Committee, Gambat has disposed of its properties/lands, the petitioner, being a retired employee who served the Committee with dedication, is being deprived of his vested rights *vis-à-vis* pensionary benefits. He further submits that under Section 19-A of the Agricultural Produce Market Committee Act, 1939, the Market Committee is required to maintain a pool fund, which shall be administered by a Committee consisting of members appointed by the Government. Despite this, the petitioner has not been compensated to date.

Learned counsel for the respondent draws the attention of the Court to Section 19-A, subsection (vii), and submits that payment of retirement benefits to employees in the Sindh Market Committee Unified Grade — and since the petitioner retired in Grade-11, he falls within that category — is to be paid through the pool fund maintained by the respective Market Committee.

Director General, Agriculture Market Sindh, Hyderabad, is present and places reliance on Notification dated 04.06.2012, issued by the Government of Sindh, Agriculture Department, which directs all Market Committees to establish a separate account titled "Pension Fund Account of Market Committee" for employees in service. The said Notification mandates that Market Committees must contribute 14% of the payable amount to the pension fund. However, he submits that Market Committees have failed to contribute their due share, which has led to the present situation, forcing employees like the petitioner to seek legal remedy through the instant petition.

It is further pointed out that 15 shops and one canteen belonging to Market Committee, Gambat, have been rented out to various tenants who are paying nominal monthly rent. Despite repeated demands, these tenants have refused to settle fair rent in accordance with the Sindh Rented Premises Ordinance, 1979. As per submissions, nearby shops rented to other individuals fetch monthly rents of Rs.20,000/- and above.

Under the circumstances, the Chairman and Secretary, Market Committee, Gambat are directed to prepare a list of tenants of 15 shops and one canteen and submit their particulars/whereabouts along with tenancy agreement, if any, before this Court within 10 days' time. However, they further undertake to issue legal notices to the tenants calling them to settle fair rent amount in terms of provisions of SRPO, 1979 with further direction that in case tenants may not enhance rent or settle fair rent amount in accordance with market value, they shall be directed to vacate the premises.

Adjourned to **29.07.2025**. Meanwhile, as far as selling or leasing out of property of Market Committee, Gambat is concerned, no further transaction shall be made.

JUDGE

JUDGE