

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

CP No.D-1053 of 2024

[Rajab Ali Panhwar & others v. Province of Sindh & others]

Before:

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Riazat Ali Sahar

Petitioner: Rajab Ali Panhwar & others *through* Mr. Zain-ul-Abdin Sahito, Advocate.

Respondents: Through Mr. Rafique Ahmed Dahri, Assistant Advocate General Sindh.

Date of hearing: 25.11.2025.

Date of decision: 25.11.2025.

J U D G M E N T

RIAZAT ALI SAHAR, J: - The petitioners, who are Food Inspectors in Food Department, Government of Sindh, are seeking directions to the official respondents to transfer/shift the wheat to a better and safer center with all facilities preventing a loss of 4 billion in wheat of Dadu and 260 Million PKR for wheat in Jamshoro.

2. The petitioners stated that they being responsible for the custody and protection of wheat stocks procured and stored in Wheat Procurement Centers (WPCs) and Procurement Reception Centers (PRCs) in the districts of Jamshoro and Dadu. They are dedicated and sincere officials who have continuously sought to prevent financial loss to the government similar to that caused during the floods and rains of 2021-2022. In Dadu, a total of 950,000 bags of wheat are stored, of which 750,000 bags are lying in the open sky, exposed to weather, amounting to approximately 4 billion PKR. In Jamshoro, 260,000 bags of wheat are stored, of which 234,000 bags are lying in the open sky, amounting to

approximately 260 million PKR. Suitable facilities with adequate capacity are available in Hyderabad, Bolhari, and Karachi, but the current centers do not meet the required standards. The wheat bags under the petitioners' custody are at risk of becoming unfit for human or animal consumption due to exposure to heat, rain and storms. Despite repeated warnings and requests, necessary storage facilities, including proper shelters, tarpaulins, polythene sheets, dewatering pumps, modernized storage systems, weighing and moisturizing machines, air-ducted rooms and CCTV cameras, have not been provided as required under Standard Operating Procedures (SOPs) recommended by the Inquiry Committee on Damaged Wheat Stock 2022. Official correspondences between the petitioners, District Food Collectors, Deputy Director Food Hyderabad, and other superior officials, including letters dated 18.05.2024, 23.05.2024, 25.05.2024, 05.06.2024, and 08.06.2024, repeatedly emphasized the urgent need to transfer wheat stocks to safe storage locations. However, no effective action has been taken to prevent imminent loss. Despite repeated applications to the District Food Collector and informed to the Secretary of the department, the petitioners' requests for appointment of transfer contractor and immediate movement of wheat to proper facilities have been ignored. The current custodial arrangement exposes the petitioners to potential allegations of negligence and mismanagement, despite their continuous efforts to protect government resources. The petitioners therefore have no alternate or effective remedy except to approach this Court for redressal of their grievances.

3. In response, compliance report to the effect of order dated 28.08.2025 has been placed on record by the official respondent No.3 wherein it is reported that wheat stock was found stored in open at two places, i.e. a quantity to the tune of 20883 bags at a private plot in Johi city, District Dadu, and a quantity to the tune of 2500 bags at Sabzi Mandi Dadu city; that main cause of discoloration/damage of Government wheat stock, worth billions of

rupees, was utilization of substandard bardana which was authorized for procurement by respondent No.4 as is evident from his letter dated 23.08.2024; that substandard bardana authorized by respondent No.4 for procurement could not bear the brunt of weather vagaries while the effected wheat stock could not get dispatched to Hyderabad or Bolhari Godowns due to quality issue and got deteriorated with the passage of time and at present the stock is not suitable for release to flour mills / chakkies for the purpose of Atta production.

4. Learned counsel for the petitioners submits that the petitioners face a significant risk of being held accountable in future for loss of wheat, despite having repeatedly sought measures to safeguard the stock, hence this petition ensuing accountability is properly directed towards those responsible for providing necessary facilities; that the respondents have failed in their duty of care by not providing essential storage facilities, resulting in exposure of wheat stocks to extreme weather and potential destruction; that despite multiple notices and letters regarding the urgency of transferring wheat to safe locations, the respondents have neglected their responsibilities, creating imminent danger to wheat stocks worth billions of PKR; that due to inaction, there is a likely financial loss of approximately 4 billion PKR in Dadu and 260 million PKR in Jamshoro, which is a direct consequence of respondents' negligence; that the respondents have failed to comply with the Standard Operating Procedures (SOPs) recommended by the Inquiry Committee for protecting wheat damaged due to rain and floods in 2022, including provision of tarpaulins, dewatering pumps, modernized storage, and other necessary equipment; that judicial intervention is necessary to prevent damage of wheat to adverse weather conditions rendering it unfit for consumption and causing financial loss, therefore, petitioners prayed for allowing this petition.

5. Learned A.A.G. Sindh opposed the petition, contending that so far Dadu District is concerned the targeted quantity of

650,000 bags was procured during 2023-24 crop which is being dispatched to the Bolhari and Hyderabad godowns by the transport contractor approved by the Food Department Government of Sindh; that possible measures are adopted to cover the wheat lying in open at WPC (katcha Center) while the Government provides tarpaulins to cover the Government wheat so that same should be saved from rain water and all the center incharges have been directed to coordinate with the District Administration in case of any emergency on the forecasting received from the metrological department and Sindh Disaster Management Authority; that very concern of the petitioners with regard to shifting of the vulnerable wheat stocks from the WPCs to PRC Bolhari through approved transport contractor has adequately been addressed after the award of tender and conclusion of agreement for the same; that on 02.07.2024, more than 45000 bags of wheat from WPCs have already been shifted to PRC Bolhari; that respondent No.4 recently visited the WPC Johi Crop 2023-24 on 25.07.2025 and noticed various discrepancies conducted by Mr. Ghulam Sarwar Soomro Food Inspector (BPS-12) which have been communicated to the Regional Directorate of Food Hyderabad with a copy to Secretary Food and Director Food; that over all reallocated wheat for shifting from and WPCs has mostly been completed while the leftover quantity of 23000 bags at WPC Johi in the charge of Mr. Ghulam Sarwar Soomro Food Inspector (BPS-12) cannot be shifted to the godowns of Hyderabad and Bolhari as the damaged wheat shall affect the Fair Average Quality (FAQ) wheat is stored together with, however, the high ups are being requested to resolve this issue, so that government loss may minimize.

6. We have heard the learned counsel for the parties, examined the compliance report submitted by respondent No.3/Deputy Director Food, Hyderabad Region, the inspection reports produced by the petitioners, as well as the Wheat Procurement Policy Guidelines for Crop 2023-24 issued by the Government of Sindh. The factual position emerging from the

record demonstrates that large quantities of government wheat in District Dadu and Jamshoro were stored in open spaces at WPC/PRC Johi and other locations, contrary to the Standard Operating Procedures (SOPs) framed by the **Inquiry Committee on Damaged Wheat Stock – 2022**. The report dated 13.11.2025 reflects that 20,883 bags stored at a private plot in Johi City and 2,500 bags stored at Sabzi Mandi, Dadu City were found discoloured and damaged to the extent that the stock is no longer suitable for release to flour mills. The primary cause of such deterioration, as established in the record, was the issuance and use of substandard bardana authorized through letter dated 23.08.2024 by respondent No.4, which failed to withstand weather exposure while the wheat remained unprotected.

7. The petitioners as well as district officials repeatedly issued letters dated 18.05.2024, 23.05.2024, 25.05.2024, 05.06.2024 and 08.06.2024 requesting urgent transfer of wheat to the godowns at Hyderabad, Bolhari and Karachi locations which, by the respondents' own admission, possess adequate covered and secure accommodation. Nevertheless, the wheat remained in the open for a prolonged period in violation of Clause (vii) of the Wheat Procurement Policy and in disregard of the SOPs requiring provision of shelter, waterproof tarpaulins/polythene sheets, dewatering pumps, ventilation, fumigation, moisture meters, weighing machines and CCTV monitoring.

8. The inaction on part of the concerned authorities not only exposed government assets worth billions to deterioration but also placed the petitioners as well as the interveners, who were custodians of the wheat stocks, in a position where they were continuously required to take precautionary measures. Nonetheless, it remains their statutory responsibility to safeguard the wheat under their charge from deterioration, pilferage or wastage, in accordance with the Wheat Procurement Policy and departmental instructions. Therefore, while their documented warnings and correspondence are duly acknowledged, their

responsibility to ensure protection of government stock remains undiluted.

9. Although the learned A.A.G. submitted that a portion of the stock has subsequently been shifted to PRC Bolhari and that movement is underway through approved transport contractors, the deterioration already caused to the wheat on account of prolonged neglect remains undisputed. The circumstances call for systemic correction, strict adherence to SOPs and immediate preventive steps to avoid recurrence, particularly when adequate protected facilities exist at Hyderabad, Bolhari and Karachi.

10. During proceedings, an application was filed under Order I Rule 10 CPC by interveners Ghazanfar Ali, Saleem Magsi and Aurangzeb, who are officials of the Food Department functioning as Incharge WPCs. Their stance is identical in nature to that of the petitioners inasmuch as they too are responsible for the physical custody of wheat stocks and face the same risk of adverse consequences arising from lack of facilities and non-compliance of SOPs by superior authorities. Since their presence is necessary for complete and effective adjudication of the matter, their application is allowed. They are impleaded and the relief granted herein shall extend to them equally.

11. Notwithstanding the above, it is observed that the primary duty to safeguard the wheat stock from deterioration, pilferage, moisture damage, misappropriation or any other form of loss rests with the petitioners and the interveners in their capacity as Incharge WPCs/PRCs including hierarchy of Food Department and custodians of government wheat under relevant rules, policies and departmental instructions. Although they repeatedly raised alarms and sought timely movement of wheat to safer locations, which reflects due diligence on their part, their core responsibility to exercise reasonable care and adopt all available protective measures at the centers cannot be diluted. Their obligation to ensure day-to-day protection of the stock continues irrespective of

lapses or inaction by higher authorities, and they must remain vigilant and compliant with the SOPs fully practicable within the resources available to them.

12. Accordingly, to safeguard public resources, **prevent further deterioration of government wheat** and ensure conformity with statutory policy and SOPs, this petition is **disposed of** with the following directions:-

- (i). The Food Department shall, within fifteen (15) days, complete shifting of all wheat presently lying in open spaces in Dadu and Jamshoro, including WPC/PRC Johi, to protected and fully equipped godowns at Hyderabad, Bolhari or Karachi, strictly in accordance with the Wheat Movement Plan contemplated under Clause (xxx) of the Policy.
- (ii). Damaged or discoloured wheat shall be segregated, assessed scientifically and dealt with under SOPs applicable to damaged stock, ensuring that it is not mixed with FAQ wheat.
- (iii). Keeping in view of the loss caused to the Government in past, all WPCs and PRCs across Sindh shall be equipped with covered storage or hired private godowns; waterproof tarpaulins/polythene sheets; moisture meters and weighing/grading equipment; dewatering pumps; fumigation and pest-control mechanisms; functioning CCTV systems; ventilated / air-ducted rooms wherever feasible within sixty (60) days.
- (iv). Issuance/use of substandard bardana is strictly prohibited. The Secretary, Food Department shall initiate and conclude an internal inquiry within forty-five (45) days to determine responsibility for earlier authorization of defective bardana and take action in accordance with law.
- (v). The Food Department shall declare the PRCs/WPCs at Hyderabad, Bolhari and Karachi as Model Centers and upgrade them within sixty (60) days to full SOP compliance, including digital monitoring, 24-hour security, fire safety equipment and scientific stacking systems.
- (vi). The Directorate of Food shall, activate a centralized digital monitoring cell with GPS-based tracking of wheat movement, real-time stock reporting and a

dedicated complaint helpline as envisaged in the Wheat Policy within sixty (60) days.

- (vii). Strict compliance with Wheat Procurement Policy clauses regarding monitoring, reporting, movement planning and supervision (including Clauses xiii, xxviii, xxxvi, xxxvii of the Wheat Procurement Policy Guidelines Crop 2023024 as notified by the Food Department, Government of Sindh vide Notification No.SO(W)-7(31)/2023-24 dated 18.03.2024) shall be ensured, and non-compliance shall invite disciplinary action.
- (viii). Although the petitioners and the impleaded interveners have placed on record various letters and communications addressed to their superior officers, it remains an undeniable fact that, as Incharge WPCs/PRCs and custodians of government wheat, they bear the primary and fundamental responsibility to safeguard the wheat stock from deterioration, pilferage, improper stacking, moisture damage and all related hazards in accordance with departmental instructions, policy guidelines and SOPs. Their statutory and operational duty to protect and preserve the wheat stock cannot be diluted on account of administrative inaction at higher levels. Therefore, the department shall remain fully competent to evaluate their conduct and, if so advised and supported by record, initiate appropriate proceedings against them in accordance with law for any lapse, negligence or failure in the discharge of their duties.

13. The above directions shall be complied with in letter and spirit. However in view of para-11 damage or any misappropriation with regard to stored wheat, the Chairman Anti-Corruption Establishment is directed to conduct inquiry through any impartial, well reputed and competent officer not below the rank of Director, such report be furnished before this Court within three (03) months through Additional Registrar of this Court.

14. Let the copy of this order be communicated to the Secretary Food, Government of Sindh and Chairman Anti-Corruption Establishment, Karachi for compliance.

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