

HIGH COURT OF SINDH CIRCUIT COURT, MIRPURKHAS

C.P No.D-1364 of 2024

[Allah Wasayo vs. Province of Sindh and Others]

Before:

JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE RIAZAT ALI SAHAR

Mr. Shoukat Ali Rahimoon, advocate for petitioner(s)

Mr. Muhammad Sharif Solangi, Assistant A.G. Sindh a/w Assistant Director Law ECP (Sarmad Sarwar) and Branch Manager Sindh Bank (Mukesh Kumar)

Date of hearing & decision: 19.11.2025

ADNAN-UL-KARIM MEMON J.- The petitioner prays that this Court may be please to:-

- a) That this Honorable Court may be pleased to direct the Respondent Nos. 04 to Open Bank Account of newly notified Union Council-4, Qamarhar-1 with the specimen of the Petitioner and Secretary Union Council-4, Qamarhar-L
- b) That this Honorable Court may be pleased to direct the Respondent No. 1 to release all the monthly OZT Grants and funds allocated by the Government of Sindh in such new bank account of UC-4, Qamarhar-I from July, 2023 till disposal of this Petition.

2. The case of the Petitioner is that he was elected as Chairman, Union Council No.04, Qamarhar-I, District Tharparkar @ Mithi, in the Local Government Elections held in 2022. The Government of Sindh, Local Government & Housing Town Planning Department through Notification dated 27.04.2022, bifurcated the erstwhile Union Council Qamarhar into two new Union Councils i.e. Union Council No.04 Qamarhar and Union Council No.05 Keetar. Thereafter, the Election Commission of Pakistan issued Notification dated 12.08.2022 whereby the newly created Councils were notified as Union Council-04 Qamarhar-I and Union Council-05 Qamarhar-II. Subsequently, the Election Commission of Pakistan issued another Notification dated 15.09.2022 declaring the Petitioner as returned candidate for Union Council No.04, Qamarhar-I. Upon assuming charge, the Petitioner approached Respondent No.4 (Bank) and requested for opening of new bank account in the name of Union Council No.04, Qamarhar-I. However, the request was declined on the ground that an old

bank account already existed in the name of pre-bifurcation Union Council “Qamarhar” and, as per the Bank, the said account had been assigned for operation to the Chairman of newly notified Union Council No.05, Qamarhar-II (Keetar), namely Taro son of Muqem. The Petitioner further submits that Respondent No.3 (ADLG Tharparkar), through letter dated 10.10.2023, addressed the Deputy Secretary, Local Government Department, pointing out discrepancies between the nomenclature used in the provincial Notification and the Election Commission’s Notification and requested necessary clarification / modification so that bank accounts could be processed accordingly. Furthermore, Respondent No. 2 also took cognizance of the matter vide letter dated 27.05.2024, following which Respondent No.3 again issued a communication on 13.06.2024 directing Respondent No.4 (Bank) to open the bank accounts of Union Councils, including UC-04 Qamarhar-I, without further delay. Despite clear governmental instructions and clarifications, Respondent No.4 has persistently refused to open the bank account of Union Council No.04 Qamarhar-I with the joint signatures of Petitioner (Chairman) and Secretary of Union Council No. 04. It is submitted that the Respondents being public functionaries are legally bound to act justly, fairly and in accordance with the law. Their inaction, despite multiple notifications and directives constitutes a failure of their statutory duties. The Constitution is a living document reflecting the aspirations of the people of Pakistan and ensuring protection of fundamental rights including the right to fair administrative treatment. Under these compelling circumstances, the Petitioner is left with no alternative and efficacious remedy except to file the instant Constitutional Petition.

3. Respondent No.4 appeared before the Court and stated that: A single account under the title “Union Council Qamarhar” already exists in the Bank’s record. After bifurcation into UC-04 and UC-05, the Bank requires a *corrigendum* from the Secretary, Local Government Department, formally correcting the names so that independent accounts may be opened. The Branch Manager submitted that the necessary documentation has not yet been provided to the Bank as required under the Bank’s SOPs. He assured the Court that once the Local Government Department fulfills the SOP requirements, the Bank will immediately operationalize the account. The Court accordingly directed the Local Government Department to complete all SOP requirements.

4. The Government of Sindh, Local Government Department, issued Letter No. RO(LG)/E.com/14(01)/2025 dated 11-03-2025 to the Provincial Election Commission seeking correction of the name of Union Council No. 05, which had inconsistently been shown as Qamarhar-II. Following this, the Provincial Election Commission Sindh issued a corrigendum dated 14.04.2025 confirming that Union Council No.04 is Qamarhar-I, and Union Council No. 05 is Keetar, as originally intended under Notification dated 27.04.2022. In view of this clarification, Respondent No.3 further requested the Bank to correct the title of UC-05 from “Qamarhar-II” to “Keetar”, and Open a new bank account for Union Council No. 04, Qamarhar-I with joint signatures of its Chairman and Secretary for onward transmission of OZT grants and other financial releases.

5. Respondent No.1 submitted that the main dispute relates to the Bank and the Election Commission and the department itself is only a proforma party. The issue arose due to mismatch in nomenclature between the Government Notification (showing UC-05 as *Keetar*) and the ECP Notification (showing UC-05 as *Qamarhar-II*). Upon identification of the discrepancy by ADLG Tharparkar on 13.09.2024, the Department immediately took action and wrote to the Provincial Election Commission on 11.03.2024 requesting correction. The Provincial Election Commission issued necessary corrigendum on 14.04.2025, thereby resolving the matter. Thus, according to Respondent No. 1, the grievance of the Petitioner stands addressed.

6. After hearing the counsel for the parties and perusal of record, it transpires that the dispute arose solely due to inconsistency in the nomenclature of the bifurcated Union Councils in the Notifications issued by the Government of Sindh and the Election Commission of Pakistan. The said discrepancy resulted in an administrative impediment for the Bank in processing and opening the official bank account of Union Council No.04, Qamarhar-I. The Government of Sindh has now issued its clarification and the Provincial Election Commission has duly corrected the nomenclature of Union Council No. 05 as “Keetar,” thereby removing the earlier ambiguity. Respondent No. 4 (Sindh Bank) has categorically stated before this Court that the Bank has no objection to open a new account and shall proceed forthwith once the requisite documents, as per the Bank’s SOPs, are provided by the Local Government Department.

7. In view of above and considering that the Petitioner, being the duly elected Chairman of Union Council No.04, Qamarhar-I, cannot be deprived of the financial and administrative functioning of his Council due to an avoidable administrative lapse, this Court is of the considered view that the opening of requisite bank account is essential for ensuring smooth governance and for the timely release of OZT and other statutory funds. Accordingly, in the interest of justice, equity and fair administration, the Petition stands disposed of with the following directions:

- i. Respondent No. 4 (Sindh Bank, Mithi Branch) is directed to *immediately* open the official bank account of Union Council No.04, Qamarhar-I, with the joint signatures/specimen of the duly elected Chairman (Petitioner) and Secretary of the said Union Council, strictly in accordance with Bank SOPs and upon receipt of the requisite documents.
- ii. Respondent No.1 (Additional Chief Secretary LG&HTP Department) is directed to ensure that all pending OZT Grants and other financial allocations meant for Union Council No. 04, Qamarhar-I, from July 2023 onwards, are released into the newly opened bank account without further delay, subject to completion of all formal requirements.
- iii. The Respondents shall ensure full compliance within a reasonable period, not exceeding *fifteen (15) days*, and shall not create any impediment in the administrative and financial functioning of Union Council No. 04, Qamarhar-I.
- iv. No order as to costs.

8. The Petition is accordingly disposed of in the above terms.

JUDGE

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