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

***Constitution Petition No. D-649 of 2026***

***Before:-***
***Mr. Justice Riazat Ali Sahar,***
***Mr. Justice Ali Haider 'Ada',***

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| Petitioner: | Abdul Haleem son of Shahnawaz, *through* Mr. Habibullah G. Ghouri, Advocate. |
| Respondents: | *Through* Mr. Saeed Akbar Siyal, Assistant Advocate General, Sindh. |
| Date of hearing: | 09.09.2026. |
| Date of Order: | 09.09.2026. |

***O R D E R***

***Ali Haider 'Ada', J.-*** Through this petition, the petitioner, being a government contractor, seeks a direction to the respondents to include and float the schemes earlier awarded to him in the Annual Development Programme (ADP) for the financial years 2026–27, contending that although the said schemes had been included in the ADP for the financial years 2024–25 and 2025–26 and substantial work had already been executed thereunder, the same have not been carried forward or reflected in the subsequent financial year. Being aggrieved by such non-inclusion, the petitioner has invoked the constitutional jurisdiction of this Court.

2. Learned counsel for the petitioner, while primarily arguing the matter, contended that the petitioner had substantially completed the works awarded to him and that the relevant Measurement Books had also been prepared. It is further contended that the schemes in question had already been incorporated in the Annual Development Programme for the financial years 2024–25 and 2025–26, but had not been included in the subsequent financial year. According to learned counsel, if the schemes are not carried forward and

floated in the next financial year, the petitioner would suffer irreparable loss. In support of his submissions, learned counsel placed on record certain documents, including letters/orders issued by the Executive Engineer, Highways Division, concerning the award of the schemes, as well as the revised ADP Book for the financial year 2024–25 pertaining to District Jacobabad. Learned counsel further relied upon a letter issued by the Finance Department to the Deputy Commissioner, Jacobabad, dated 17.02.2025, regarding release of funds. He also referred to a subsequent communication issued in May 2026 and another letter issued in December 2024 in support of his contention that funds had been sanctioned/released for the schemes. It was further submitted that approximately 90% of the work had already been completed and that the remaining work could be completed if the schemes were continued and included in the ADP for the subsequent financial year.

3. On the other hand, learned Law Officer opposed the petition on the ground that the schemes had been duly floated in accordance with the requirements of the Budget Book. He submitted that, if a scheme is required to be revised, re-allocated or continued in a subsequent financial year, the matter is to be determined by the competent authority in accordance with the applicable policy and prescribed mechanism, and not at the discretion of the contractor. He further contended that the petitioner has raised no grievance regarding payment for the work already executed or release of funds in respect thereof. His grievance is confined to the non-inclusion or non-floating of the schemes in the subsequent financial year. In such circumstances, the appropriate mechanism is available with the competent authority to determine whether continuation of the schemes is necessary and, if so, whether the same are required to be revised, re-allocated or continued in accordance with the applicable criteria and availability of

funds. The petitioner, having no vested right to seek issuance of a direction for continuation or re-floating of the schemes, cannot claim such relief as a matter of course. It is further submitted that, insofar as the work already executed is concerned, the Measurement Books have been prepared, yet the petitioner has neither raised any specific grievance regarding payment nor sought any direction for release of funds against the work already completed. Learned Law Officer, therefore, contended that the petition, in its present form, is not maintainable and is liable to be dismissed.

4. Heard learned counsel for the parties and perused the material available on record.

5. Before examining the controversy, it would be appropriate to refer to **paragraphs 531, 532, 533 and 534 of the Bombay Public Works Department Manual, Volume-I,** which specifically deal with supplementary and revised estimates in respect of works and development projects. The relevant provisions are reproduced hereunder:

> ***531.*** *Any development of a project thought necessary while a work is in progress, which is not fairly contingent on the proper execution of the work as first sanctioned, must be covered by a supplementary estimate, accompanied by a full report of the circumstances which render it necessary. The abstract must show the amount of the original estimate and the total of the sanction required including the supplementary amount.*
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> ***532.*** *A revised estimate must be submitted when a sanctioned estimate is likely to be exceeded by more than 5 per cent. either from the rate being found insufficient, or from any cause whatever, except as mentioned in the foregoing rule. It must be accompanied by a comparative statement (Public Works Department Form No. 119) and by a report showing the progress made to date and explaining fully the cause of the revision.*
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> ***533.*** *When the submission of a revised estimate under the above rule is found necessary, it is essential that the revised estimate should be compared with the latest existing sanction of competent authority; when by reason of intermediate modification, such existing sanction*

> *differs from that accorded by the highest authority concerned, a statement should be prepared showing how the sanction with which the revised estimate is compared has been arrived at.*
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> ***534.*** *When excesses occur at such an advanced period in the construction of a work as to render the submission of a revised estimate purposeless, the excesses, if beyond the power of the Executive Engineer to pass, may be explained in a Completion Report or Statement prepared under paragraph 595.*

6. A perusal of the record, including the documents relied upon by the petitioner, shows that the continuation, revision, relocation or inclusion of a development scheme in a subsequent Annual Development Programme is essentially a matter falling within the domain of the competent executive authorities and is governed by the applicable administrative policy, availability of funds and the prescribed criteria and procedure. The mere fact that a scheme was previously included in the ADP or that a work had been awarded to the petitioner does not, by itself, confer upon him an absolute right to insist that the same scheme must necessarily be continued, revised, relocated or re-floated in every subsequent financial year.

7. It is also significant that the petitioner has not raised any specific grievance regarding non-payment of the amount due against the work already executed by him. Rather, his main grievance is that the schemes, despite having been previously included in the ADP and substantially executed, have not been carried forward into the subsequent financial year. Even according to the petitioner, approximately 90% of the work has already been completed and the relevant Measurement Books have been prepared. Thus, insofar as the work already executed by the petitioner is concerned, no material has been brought on record demonstrating that the petitioner has been deprived of payment lawfully due to him on account of the non-inclusion or non-revision of the schemes in the subsequent ADP.

8. As regards the remaining work, its continuation in the subsequent financial year is subject to governmental policy, availability of funds, administrative approval, revised or supplementary estimates, and fulfilment of the requisite criteria. This Court, while exercising Constitutional jurisdiction, cannot substitute its own assessment for that of the competent executive authorities in matters pertaining to development planning, allocation of public funds and continuation or relocation of development schemes, unless the decision or action complained of is shown to be arbitrary, mala fide, discriminatory, without lawful authority or otherwise violative of the applicable law. Guidance in this regard may be drawn from the judgment of the Honourable Supreme Court in **Abdul Hameed and others v. Water and Power Development Authority, through Chairman, Lahore and others (2021 SCMR 1230).**

9. In the circumstances, the petitioner has failed to demonstrate any arbitrariness, illegality, mala fide exercise of authority or violation of any enforceable legal right warranting interference by this Court in exercise of its constitutional jurisdiction. Keeping in view the foregoing reasons, the instant petition, being devoid of merit, is hereby dismissed.

***JUDGE***

***JUDGE***