

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
C.P. No.D-1106 of 2018

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Date	Order with signature of Judge
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For order as to maintainability of petition.

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**10<sup>th</sup> December 2018**

Mr. Faisal Siddiqui, Advocate for Petitioners.

Mrs. Azra Moqueem, Advocate for Respondent No.1.

Mr. Zafar Iqbal, Advocate for Respondents No.2&3.

Mr. Sheharyar Mehar, Asst. Advocate-General Sindh  
alongwith Ms. Shamin Imran and Ms. Humaira Jatoi,  
Internees of A.G. Sindh Office.

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Counsel for the respondents No.2&3 has filed reply to the instant petition on behalf of the respondents No.2&3, which are taken on record, copy of which has been supplied to the petitioner's counsel.

The instant petition has been filed only on the ground that the directions may be issued to the respondents No.2&3 for implementation of the Decision of the Provincial Ombudsman dated 07.06.2016 made in Complaint No.POS/3395/2014/KC, as, according to the petitioner's counsel, the respondents are causing impediments in compliance of the said decision. If this being the position of the case, we need to examine the relevant provisions of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991. For convenience, an excerpt of the relevant Sections is reproduced as under:

*"12. (1) If there is a "Defiance of Recommendations" by any public servant in any Agency with regard to the implementation of a recommendation given by the Ombudsman, the Ombudsman may refer the matter to the Governor who may, in his discretion, direct the Agency to implement the recommendation and inform the Ombudsman accordingly.*

*(2) In each instance of "Defiance of Recommendations" a report by the Ombudsman shall become a part of the personal file or Character Roll of the public servant primarily responsible for the defiance:*

*Provided that the public servant concerned had been granted an opportunity to be heard in the matter.*

*13. Where, during or after an inspection or an investigation, the Ombudsman is satisfied that any person is guilty of any allegations as referred to in sub-section (1) of section 9, Ombudsman may refer the case to the concerned authority for appropriate corrective or disciplinary action, or both corrective and disciplinary action, and the said authority shall inform the Ombudsman within thirty days of the receipt of reference of the action taken. If no information is received within this period, the Ombudsman may bring the matter to the notice of the Governor for such action as he may deem fit.*

*16. (1) The Ombudsman shall have the same powers, mutatis mutandis, as the High Court has to punish any person for its contempt who:-*

*(a) abuses, interferes with, impedes, imperils, or obstructs the process of the Ombudsman in any way or disobeys any order of the Ombudsman;*

*(b) scandalizes the Ombudsman or otherwise does anything which tends to bring the Ombudsman, his staff or nominees or any persons authorized by the Ombudsman in relation to his office, into hatred, ridicule or contempt;*

*(c) does anything which tends to prejudice the determination of a matter pending before the Ombudsman; or*

*(d) does any other thing which, by any other law, constitutes contempt of court:*

*Provided that fair comments made in good faith and in public interest on the working of the Ombudsman or any of his staff, or on the final report of the Ombudsman after the completion of the investigation shall not constitute contempt of the Ombudsman or his office.*

*(2) Any person sentenced under sub-section (1) may, notwithstanding anything therein contained, within thirty days of the passing of the order, appeal to the High Court.*

In view of the aforesaid provisions of law, which clearly provides that Provincial Ombudsman has ample power with regard to the implementation of his order/decision and if any authority is causing impediments, Provincial Ombudsman can proceed against him in accordance with the relevant rules and regulations.

We, therefore, in the circumstances direct the Provincial Ombudsman to do the needful in accordance with the relevant rules and regulations for implementation of his decision dated 07.06.2016. Let a copy of this order be sent to the Provincial Ombudsman for information and compliance.

With these directions, the instant petition stands disposed of with the consent of the parties.

**J U D G E**

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