

**IN THE HIGH COURT OF SINDH AT KARACHI****Present:**

Ahmed Ali M. Shaikh, CJ

Yousuf Ali Sayeed, J

CP No.D-2007 of 2019

Priority

1. For orders on CMA No25759/2019
2. For hearing of CMA No.9042/2019
3. For hearing of main case.

Date of hearing: 28.10.2021

Petitioner Nazakat Hussain through Mr. Kamran Iqbal, Advocate  
Respondent No.1 Province of Sindh through Mr. Abdul Jalil Zubedi, AAG  
Respondent No.3 Secretary Sindh Workers Welfare Board, through Mr. Jamal Bukhari, Advocate and Mr. Asadullah Sharf, alongwith Mr. Muhammad Bachal Rahupoto.  
Respondent No.6 M/s Shahazad Associates through Mr. Ravi R. Pinjani, Advocate.  
Proposed Respondents No 8, 9, 10 and 11 through Mr. Irtafa ur Rehman, Advocate.

**ORDER**

**AHMED ALI M. SHAIKH, CJ.**- Petitioner claiming to be a professional journalist and whistle-blower, has invoked the Constitutional Jurisdiction of this Court seeking directions against the Chairman, Sindh Workers Welfare Board not to issue work orders to bidders, verify the previous work orders and further direction to the Respondent No.7, Chairman, Federal Board of Revenue, to submit annual returns of certain construction companies, not arrayed as Respondents in these proceedings.

2. Factual matrix as put forward by the Petitioner is that on 07.02.2018 a notice inviting tender for opening of financial bids for the Project "Construction of 1504 Flats (Labour City) at Labour Colony, Kotri", by Workers Welfare Board Sindh, was published in different daily newspapers. Out of 42 bidders shown interest, 12 contractors could qualify while most of them did not submit their returns. The Respondent No.3 without any publication or notice hired Respondent No.6 to examine their qualifications. Petitioner alleged that some officers posted in the Workers Welfare Board Sindh are facing inquiries/investigations either before NAB or Anti-Corruption. It is alleged that there is no requirement of construction of further flats in Kotri as since last three years 524 flats are already available for allotment while hundreds of such already constructed flats are available in Hyderabad and elsewhere not given to the

labourer as yet. Petitioner alleged that the scheme is nothing but to get commission and kickbacks.

3. At the very outset, to a query posed as to the locus standi as well as qualification of the petitioner as aggrieved person in terms of Article 199 of the Constitution, learned counsel submitted that petitioner has preferred this Petition in larger public interest as under the garb of aforesaid tender process huge public money has been siphoned off by the official respondents as well as the bidders who participated in the aforesaid bidding process. Learned counsel further contended that petitioner has no personal interest and being compelled by conscience has come forward. To another query posed, the learned counsel conceded that till date the petitioner has not approached any anti-graft agency having domain, power and means to inquiry/investigate the plunder of public exchequer as alleged herein.

4. It is settled principle of law that in order to satisfy the requirements of an “aggrieved person” in public interest litigation under Article 199 of the Constitution the petitioner is obliged to disclose a personal interest for the performance of legal duty owed to him which if not performed would result in some personal loss or benefit or curtailment of a privilege in liberty or franchise. Reference in this regard can be made to the case of Ardeshir Kowasjee versus Karachi Building Control Authority reported in 1999 SCMR 2883, which view was followed by a Division Bench of Balochistan High Court in the case of Taqveem Shah versus Government of Pakistan (2021 CLC 985) and also adhered to by a Division Bench of this Court in an unreported order dated 23.6.2021 passed in CP No.D-3534 of 2021 whereby the petition pressed on the sole ground of public interest were dismissed on the question of locus standi and qualification of the petitioners as an “aggrieved person.”

5. For foregoing reasons and following the dicta laid down by the Honourable Supreme Court in the case of Ardeshir Kowasjee supra, adhered to by this Court in CP No.D-3534 of 2021, we are of the considered view that the petitioner neither has any locus standi nor qualified as an aggrieved person in terms of Article 199 of the Constitution. Even otherwise, if the petitioner has any proof of wrongdoing constituting a criminal offence, he is at liberty to knock the door of concerned anti-graft agency having jurisdiction in the matter, with relevant material, if so desired. These are the reasons of our short order dated 28.10.2021 passed in instant case whereby the petition was dismissed.

Chief Justice

Judge