

Order Sheet
**IN THE HIGH COURT OF SINDH,
BENCH AT SUKKUR**

C. P No. D – 1000 of 2022

Date	Order with Signature of Hon'ble Judge
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Hearing of case (Priority)

1. For orders on Office objection at Flag 'A'
2. For hearing of CMA No.3606/2022 (S/A)
3. For hearing of main case

06.12.2022

Mr. Kashif Hussain Shaikh, Advocate for the petitioner
Mr. Ali Raza Baloch, Assistant Advocate General along with Mehar Das, XEN Public Health Engineering Division, Ghotki at Mirpur Mathelo and Ali Akbar Kalhoro, Assistant Engineer, Highways Sub-Division Daharki, District Ghotki

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Through instant petition, the petitioner i.e. M/s Dawn & Company has sought declaration to the effect that the act of respondent No.4 (Executive Engineer, Public Health Engineering Division, Ghotki) of issuing N.I.T for work of rehabilitation of streets for Dahar Wah Pull to Sanko Road, Daharki, is illegal, null and void as the petitioner has already been issued the same work order and has completed half of the its work.

On being served, the official respondents have filed their comments, which reflects that after approval of the schemes by Petroleum Social Development Committee and Social Welfare Committee, the Deputy Commissioner, Ghotki vide letter dated 21.02.2022, after completing of codal formalities, the work of construction of drainage scheme along with rehabilitation of streets for Dahar Wah Pull to Sanko Road, Taluka Daharki awarded to M/s SK Builders vide work order dated 14.07.2022, which is in progress.

It is contended by learned AAG Sindh that the work assigned to petitioner i.e. reconditioning of the roads from Dahar Wah Pull to Sanko Road, Daharki is quite different than impugned work of construction of drainage scheme along with rehabilitation of streets from Dahar Wah Pull to Sanko Road, Taluka Daharki. It is further contended that the work assigned to the petitioner was sanctioned by the office of the Executive

Engineer, Highways Division, Ghotki while the work impugned in this petition has been sanctioned by the Petroleum Social Development Committee and Social Welfare Committee, the Chairman Petroleum Social Development Committee and Social Welfare Committee and has been procured by the Public Health Engineering Department, Government of Sindh. It has no nexus with the work awarded to the petitioner.

In view of above, it is quite clear that the impugned scheme has no nexus with the scheme already sanctioned in favour of the petitioner.

At this juncture, learned counsel for the petitioner states that some amount is outstanding against the respondents for the work earlier awarded to him. In this regard, it may be observed that the claim of the amount against the work done under the contractual obligation cannot be settled by this Court under its constitutional jurisdiction. The petitioner may approach the appropriate forum in accordance with the law for redressal of his such grievance.

The petition stands dismissed along with listed application being devoid of any merit.

Judge

Judge

ARBROHI