

# IN THE HIGH COURT OF SINDH KARACHI

Before :

Mr. Justice Muhammad Iqbal Kalhoro

Mr. Justice Adnan-ul-Karim Memon

## Constitutional Petition No.D-2512 of 2021

**Abrar Ali Khichi**

Petitioner: Mr. Raj Ali Wahid Kunwar, advocate

Respondent No.1: Through Mr. Abdul Jalil Zubedi, AAG alongwith Mr. Liaquat Ali Abro, Consultant Law to the Chief Secretary, Government of Sindh and Mr. Nadeem Ahmed Qureshi, Law Officer, Law Department, Government of Sindh

Respondent No.2: Through M/s Muntazir Mehdi, Additional P.G. and Zahoor Shah, Additional P.G.

## Constitutional Petition No.D-2260 of 2022

**Syed Meeral Shah**

Petitioner: Through Mr. Moula Bux Khatian, advocate

Respondents No.1&2: Through Mr. Abdul Jalil Zubedi, AAG alongwith Mr. Liaquat Ali Abro, Consultant Law to the Chief Secretary, Government of Sindh and Mr. Nadeem Ahmed Qureshi, Law Officer, Law Department, Government of Sindh

Respondent No.3: Through M/s Muntazir Mehdi, Additional P.G. and Zahoor Shah, Additional P.G.

Date of hearing  
& Decision: 26.01.2023.

## **ORDER**

**ADNAN-UL-KARIM MEMON, J.** – The captioned petitions were heard together and are being disposed of by this common order as common questions of law and facts are involved therein

2. Through these Constitutional Petitions filed by the petitioners under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, they have prayed that direction may be issued to the respondents to provide them the facility of a government vehicle, POL ceiling, and official driver according to

their entitlement, inter alia, on the ground that they are performing duties as Additional Prosecutors General in BPS-19 and are entitled to 1000 CC locally manufactured car as well as POL facility of 180 liters petrol per month for official vehicle and in case, official vehicle is not provided, fuel card and vehicle driver, none of which has been provided to them for the last many years in contrast with their other colleagues. Petitioners are also claiming similar treatment as meted out to the employees and servants of the establishment of Subordinate Judiciary/District Judiciary (Sindh Judicial Service) and that of Courts and Tribunal established under Federal or Provincial law, which is under the control, superintendence, of this Court and functioning and discharging duties within the territorial jurisdiction of this Court in terms of Article 203 of the Constitution, 1973 and are also granted the same relief as is allowed to the Officers of Advocate General Sindh and other offices of the Government of Sindh in the same manner.

3. Learned AAG has submitted that the Law Department has provided official vehicles to the office of the Prosecutor General Sindh for its onward handing over to the petitioners. Learned AAG further submitted that the matter for procurement of new official vehicles for the Additional Prosecutors General and other entitled officers was inserted in the schedule of new expenditure (SNE) 2022-23. Per learned AAG, in this regard, a total of 26 vehicles have been allocated through SNE, but funds for purchasing the same could not be disbursed by the Finance Department in time for the reason of financial crunch and flood situation across the province of Sindh due to which the Government of Sindh has banned on purchasing new vehicles and not providing any new vehicles to any other departments, including reduction of 40% in POL ceiling. However, he assured that whenever the ban is lifted by the competent authority on purchasing new vehicles, the same will be provided to the Additional Prosecutors General and other entitled officers. Finally he submitted that as per policy decision dated 12.1.2000, the Government of Sindh has fixed ceiling on POL consumption per month for various categories of officers. He pointed out that in accordance with the grade, Additional Prosecutor General (BPS-19) is equivalent to Additional Secretary (BPS-19) which comes under category D for which 180 liters petrol is admissible per month for official vehicle. He clarified that there is no provision under the Rules for providing POL for the private vehicles in the use of any

officer. He prayed for disposal of these petitions in terms of comments filed on behalf of the Finance Department, Government of Sindh and the Secretary Law and Criminal Prosecutor Department, Government of Sindh.

4. We have heard learned counsel for the parties and perused the record with their assistance and compliance reports filed on their behalf.

5. The grievance of the petitioners as set out is that although they were/are entitled to the facility of a staff car and one hundred and eighty liters of petrol every month, however, they were not provided this facility by the respondents during their tenure of service as Additional Prosecutors General as per policy decision in its letter and spirit and hence they were/are entitled to cash equivalent of the aforesaid facility and/or POL of 180 liters fuel card to use the private vehicle in case if official vehicle is not provided to them, in reaching the office in time and carrying out their daily respective duties without any hindrance, which facility is denied to them for extraneous considerations, they estimated this claim on the aforesaid premise, which prima-facie seems to be correct and acceded to for the reason that petitioners are working on the sensitive assignments given to them by the Competent Authority and they represent the Government of Sindh Prosecution Department before this Court, thus denial of such facility creates hardship for the smooth working of the vital organ of the Government of Sindh. Additionally, the Government of Sindh has allowed the same benefits to the other departments of the Government of Sindh from time to time by issuing notifications and petitioners cannot be deprived of such facilities.

6. Primarily, respondents have offered nothing, not only that a new vehicle cannot be provided before the next financial year, but even the provision for POL facilities is also shadowed by the version shown to this Court through the statement discussed supra.

7. In principle, the office of the Prosecutor General is a vital organ and plays an instrumental role in enforcing the rule of law in any legal system. Every penny spent on strengthening the said office would always yield favorable results for the enforcement of law and bringing wrongdoers into the clutches of justice. The prosecution Department is being run with such a meager resource, which hinders access to justice by the residents of the Province.

8. In view of the above facts and circumstances of the case, at this juncture, we deem it appropriate to direct the competent authority of the respondents to provide the petitioners with the new official vehicle, POL of 180 liters fuel card, official driver, and other facilities as admissible to them under the terms and conditions of their service and law. However, we have been informed that due to the financial constraints of the Government of Sindh, we would direct that as an interim arrangement POL Fuel Card facility of 180 liters be provided to the petitioners and their other similarly placed employees of the Prosecution Department, Government of Sindh, forthwith till new vehicles are purchased and provided to the petitioners and their colleagues as per their entitlement.

9. These petitions stand disposed of along with pending applications.

**JUDGE**

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