

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
C.P No. D-6182 of 2022

Dated Order with signature of Judge.

Fresh case

1. For order on CMA No. 26339/2022
2. For hearing of Main Case

18.10.2022

Mr. Farrukh Sharif, Advocate for the Petitioner.
Ms. Leela @ Kalpana Devi, Addl. A.G.

YOUSUF ALI SAYEED, J- The Petitioner professes to be an Advocate by profession and seeks that the Home Department of the Province of Sindh be directed to issue an all Pakistan weapons license in his favour.

It has been averred that the Petitioner had lodged an FIR against certain accused persons, who after obtaining bail, have begun issuing threats and embarked on a campaign of intimidation and harassment, hence the necessity for a licensed weapon for self defence, but despite an application having been made to the relevant quarter in February, 2022, no action has been taken as yet. Whilst the application had not been filed along with the Petition, the same was placed on record under cover of a statement, bereft however of any acknowledgement or other indication that it had in fact been submitted.

Be that as it may, even if the application is regarded as having, been preferred, the case said to be advanced is essentially one of maladministration, with an alternate remedy being available on that score before the Provincial Ombudsman, with the terms “Agency” and “Mal-administration” having been defined as under the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991 (the “Act”) as follows:

- (1) “Agency” means a Department or Commission or office of the Provincial Government or statutory corporation or other institution established or controlled by the Provincial Government but does not include the High Court;
- (2) “Mal-administration” includes:-
 - (i) a decision, process recommendation, act of omission or commission which:-
 - (a) is contrary to law, rules or regulations or is a departure from established practice or procedures, unless it is *bona fide* and for valid reasons; or
 - (b) is perverse, arbitrary or unreasonable, unjust, biased oppressive, or discriminatory; or
 - (c) is based on irrelevant grounds; or
 - (d) involves the exercise of powers or the failure or refusal to do so, for corrupt or improper motives, such as, bribery, jobbery, favoritism, nepotism and administrative excess; and
 - (ii) neglect, inattention, delay, incompetence, inefficiency and ineptitude, in the administration or discharge of duties and responsibilities.

Furthermore, in terms of section 9 of the Act, the Provincial Ombudsman has been empowered to address such grievance as may be raised as to “Maladministration” on the part of an “Agency”. In view of foregoing and the alternate remedy available to the Petitioner, the Petition stands dismissed.

JUDGE

CHIEF JUSTICE