

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C.P. No.D-114 of 2023
C.P. No.D-1538 of 2021

Date	Order with signature of Judge
1.	For orders on office objection
2.	For hearing of main case.

03.03.2023

M/s. Syed Zafar Ali Shah, Athar Hussain Abro and Farhan Ali Dayo,
advocates for the Petitioners
Mr. Ali Raza Balouch, AAG alongwith

At the outset, Focal Person on behalf of Secretary (Health) present admits that in Larkana and Hyderabad yet Financial Advisors/ Directors have not been appointed. He further contends that charge of Larkana is with Sukkur Director, whereas, in Hyderabad charge is with Abdul Sattar Jatoi. When confronted whether Jatoi has been given charge with recommendation of Board, he admits that he has not been recommended by the board as well as Chief Minister has not appointed him, besides it has come on record that Mr. Jatoi was removed by the Service Tribunal and that judgment was maintained by Apex Court vide judgment dated 20.04.2021, passed in Civil Appeal No.1167 of 2020. Accordingly, Secretary shall notify the committee, who shall decide the fate of his cadre. However, he shall not be appointed in university tertiary hospital. He has also submitted notification with regard to removal of Abdul Sattar Jatoi from the charge and a note has been floated for approval to Chief Secretary during course of proceedings whereby DDO powers will be shifted to Vice Chancellor SMMBBMU Larkana and Vice Chancellor, Hyderabad, who will be authorized to act as Drawing and Disbursing authorities until full-fledged Director Finance is posted through proper mechanism.

2. Chief Secretary Sindh shall ensure that such notification is issue in view of note submitted by Health Department for VCs of LUMHS and SMMBBMU.

3. Needless to mention that Director(s) (Finance) under the Act will be accountable before the Board as per Act and in case of

emergency, they will not release any fund until concurrence given by Vice Chancellor/ Principal of that university / college.

4. It is pertinent to mention that in earlier order passed by this Court in C.P No.D-4434 of 2020 & C.P. No.D-2281 of 2021 at Principal Seat at Karachi, whereby Finance Secretary required to release one line budget to the respective boards by separate accounts.

5. Focal person on behalf of Health Secretary contends that summary was already floated in this regard but due to observation, it will again be placed before Finance Secretary for approval. Finance Secretary shall release one line budget to the boards, which are independent and Vice Chancellors/ members are the chairmen and board is responsible to manage the affairs of Tertiary Hospitals; besides that one line budget of this year will be released within 15 days and for upcoming year, same will be released as per budget book without any objection and Director (Finance) shall maintain the transparency with independent account as per Board Act.

6. Secretary (Health) shall ensure that rules of the Board Act, 2020 are prepared within three months having vettage within spirit of act.

7. Needless to mention that this order will prevail the earlier orders passed in above referred CPs. With regard to Kandhra Hospital, DHO as well as Focal Person Health Department shall ensure that members of Board, Medical officers are posted at such hospital without any delay and ensure that hospital is running smoothly without disturbance. Medical Superintendent and Director (Finance) will be answerable to the Boards and they will not utilize any single penny even in case of emergency until concurrence given by the chairman of board.

8. XEN Works and Service Department shall ensure repair of Knadhra Hospital from the available M&R budget within one month. Director Finance shall ensure release of amount of M&R Budge allocated as demanded by concerned Tertiary Hospital within fifteen (15) days.

Adjourned; to come up on **16.03.2023**. Except Focal Person, Health Department, attendance of officials is dispensed with till further order(s).

JUDGE

Faisal Muntaz/PS

JUDGE