

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Const. Petition No. D-887 of 2020
(*Kamran Ali Jalbani v. Govt. of Sindh & others*)

Present:-

**Mr. Justice Muhammad Iqbal Kalhoro &
Mr. Justice Arbab Ali Hakro**

Mr. Khan Muhammad Sangi, Advocate for petitioner.
Mr. Nisar Ahmed Bhanbhro, Advocate for respondent No.8.
Mr. Zulfiqar Ali Naich, Assistant A.G-Sindh a/w Muhammad Bachal
Kanhar, AXEN on behalf of XEN, Irrigation East Division, Khairpur.

Date of Hearing & Order: **06-12-2023**

ORDER

MUHAMMAD IQBAL KALHORO, J:- Petitioner is a government contractor by profession has filed this petition seeking setting aside of action of blacklisting him by respondents without providing him an opportunity of hearing, suspension of work order issued by the Irrigation Department on 10.07.2020 in favour of respondent No.8, which according to him was awarded to him in violation of SPPRA Act, 2009 and Rules, 2010. Further, he is asking for termination of respondents No.4,5&6, the official respondents, and initiation of proceedings against them for misuse of authority.

2. We have heard learned counsel for petitioner. The only ground, he has agitated before us, is that the respondent No.8 is convicted by NAB Court in terms of his plea bargain in Reference No.01 of 2019, therefore, subject work awarded to him is illegal and against the SPPRA rules.

3. Learned Assistant A.G has submitted that this petition has become infructuous in that respondents No.4&6 have already retired whose termination the petitioner is seeking, and as far as relief of removing him from blacklist is concerned, it has already been granted to him by the Review Committee of Sindh Public Procurement Regulatory Authority under Rule 32 of the SPP Rules, 2010 vide order dated 01.04.2021.

4. This fact, learned counsel for petitioner, has confirmed and he does not press prayer clauses (a) & (b) pertaining to that relief. Learned

AAG has further informed that subject work, suspension of which petitioner is seeking, has already been executed and nothing is left to be decided in this petition. Learned counsel for petitioner has not denied such a fact, nonetheless, has submitted that criminal liability could be fixed on respondents including respondent No.8 who despite being convicted by NAB Court was awarded subject contract. We have seen order of Review Committee, mentioned above. In para-32, the fact of awarding contract to respondent No.8 in the same context was considered by it, but no order was passed qua withdrawal of the contract from him. The petitioner was extended relief of removal of his name from blacklist only, which means that the petitioner did not raise his grievance against award of subject contract to respondent No.8 before the Review Committee.

5. Even otherwise, this Court under constitutional jurisdiction cannot direct the respondents to initiate any criminal proceeding or fix criminal liability on respondent No.8 or for that matter on any other respondent, for which the petitioner has an adequate remedy before the relevant forums.

6. We find this petition, in view of retirement of respondents and subject work already executed, to be devoid of any cause of action, and accordingly **dispose of** it.

JUDGE

JUDGE