

## IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Constitution Petition No. D-751 of 2024  
(*Wahdat Ali & others vs. P.O Sindh & others*)

Constitution Petition No. D-782 of 2024  
(*Jan Muhammad Rajar vs. Secretary Food Dept & others*)

Constitution Petition No. D-792 of 2024  
(*Shoukat Ali Lund & others vs. P.O Sindh & others*)

Constitution Petition No. D-798 of 2024  
(*Shamsuddin Rajper vs. P.O Sindh & others*)

Constitution Petition No. D-865 of 2024  
(*Talib Hussain Lashari vs. P.O Sindh & others*)

Constitution Petition No. D-961 of 2024  
(*Ameer Hussain Talpur vs. P.O Sindh & others*)

Constitution Petition No. D-1029 of 2024  
(*Sachal Hattar & another vs. P.O Sindh & others*)

Constitution Petition No. D-1042 of 2024  
(*Shahnawaz Khand & others vs. P.O Sindh & others*)

Constitution Petition No. D-1043 of 2024  
(*Abdul Sattar Haryah & others vs. P.O Sindh & others*)

Constitution Petition No. D-1074 of 2024  
(*Rizwan Ali & others vs. P.O Sindh & others*)

Constitution Petition No. D-1079 of 2024  
(*Muzamil Basheer Arain vs. P.O Sindh & others*)

Constitution Petition No. D-1080 of 2024  
(*Nasrullah Khan Pathan & others vs. P.O Sindh & others*)

Constitution Petition No. D-1086 of 2024  
(*Abdul Qayoom Mallah vs. P.O Sindh & others*)

Constitution Petition No. D-1087 of 2024  
(*Pervez Ahmed Baghar & another vs. P.O Sindh & others*)

Before;

***Adnan-ul-Karim Memon, J;***  
***Amjad Ali Bohio, J;***

Date of hearing and order: 01.08.2024.

M/s Aijaz Ahmed Sipra, Irshad Hussain Dharejo, Amjad Ali, Riaz Ali Shaikh, Sheeraz Fazal and Abdul Raheem Mahar, Advocates for the petitioners.

Mr. Ghulam Abbas Kubar, Assistant Advocate General along with Hakim Ali, District Food Controller, Khairpur.

Mr. Muhammad Aslam Jatoi, Assistant Attorney General.

## ORDER

**ADNAN-UL-KARIM MEMON, J:** The issue involved in the instant petitions relates to the non-payment of wheat dues under the Wheat Procurement Policy 2023-24 vide Notification No. SO(W)-7(31)/2023-24.

At the very outset, learned Counsel for the petitioners submit that this Court vide order dated 31.07.2024, has disposed of the bunch of petitions and the case of the petitioners is akin to the case decided by this Court and they seek disposal of all the petitions in the same terms. Learned Assistant Advocate General Sindh is of the same view. For convenience sake, an excerpt of the common order is reproduced as under:

*“Petitioners have raised their voices of concern alleging maladministration in non-payment of their legal dues of wheat bags deposited by them at the Wheat Procurement Centers in terms of orders passed by this court from time to time. It is argued by the petitioner’s side that official respondents are making payments of wheat crops to their favorites on priority bases based on political interference and influence.*

*Learned counsel for the petitioners in unequivocal terms submitted that the bunch of petitions on the issue of non-payment bills/amount to the growers/Khatedars have already been decided by this Court whereby the alleged contemnors in the aforesaid proceedings undertook to resolve the grievance of the growers/Khatedars about the issuance of bills/amount, and contempt applications were disposed of upon their undertaking; however, the growers/Khatedars are still left in the lurch, compelling them to file the captioned petitions for direction to the respondent-Food Department for releasing their legitimate amount whereby they deposited the wheat bags at the Wheat Procurement Centers; and, non-payment thereof is illegal on the part of official respondents. They prayed for direction to the official respondents to release their legitimate amount as per their deposited wheat bags at the Procurement Centers.*

*The Official respondents present in Court submitted that the target for purchasing Wheat from the current season i.e. 2024-25 is completed all the dues of the growers have been paid to them and there is no outstanding amount against the official respondents; however, DFC made it clear that they are no longer in a position to pay the growers/petitioners and ready and willing to return their wheat bags to the genuine persons, who deposited the wheat bags at Procurement Centers. Prima facie this stance is against the norm of law as well as Policy so framed by the Government of Sindh; for the reason that once they issued the Bardana upon requisite fees and collected the wheat bags at their Procurement Centers, they are bound to make payment to the growers/khatedars who sold out their wheat bags duly received by the in charge of the wheat centers, prima-facie, they cannot back out from their statement made before this court in disposed of petitions on the subject issue for the reason that the admitted facts need not be proved, therefore, upon admission of the respondents the request of the petitioners can be considered*

*in terms of Wheat Procurement Policy 2023-24 as the growers/petitioners are suffering due to non-payment of their legitimate dues and they have been left in the lurch; and now they are at the mercy of official respondents, who are set free to make payment of wheat bags to their favorites on a priority basis; however, the growers are left with no option but to protest for demand of their legal dues to be paid by the official respondents, which triggered the cause to approach this court for enforcement of their fundamental rights.*

*It appears from the record that the bunch of petitions were disposed of by this Court with the direction to Secretary Food Sindh to ensure the distribution of BARDANA to the petitioners/growers/ Khatedars without fail, and their other ancillary issues to be taken care of accordingly. However, certain issues about payment of dues to growers/petitioners are still unresolved; and, there is a shocking delay in making payment to the growers/Khatedars on the part of official respondents.*

*At this stage, learned counsel for the petitioners submits that respondents are liable to pay interest on the delayed payment of the price of wheat bags to the growers; and, non-payment, thereof, the account of the Food Department Government of Sindh is liable to be attached to the extent of dues of the petitioners/growers/Khatedars. Be that as it may, we are only concerned with the compliance of the orders passed by this Court in a bunch of petitions as discussed supra and the petitioners are at liberty to initiate contempt proceedings against the alleged contemnors in their respective petitions. However, in the present case, we direct the Chief Secretary Government of Sindh to coordinate with the Secretary Food Department Government of Sindh to clear the legitimate dues of the petitioners/growers/khatedars, if any, subject to verification of their record, under the Wheat Procurement Policy 2023-2024.*

*The petitioners shall also be called by the Secretary Food Department; and, after scrutinizing and verifying their claim/ record and hearing them, if any legitimate dues are outstanding against the Food Department on account of deposition of wheat bags at the relevant Wheat Procurement Centers under Wheat Procurement Policy 2023-2024; the same shall be cleared/paid to the genuine growers within time.*

*In case of failure, the Secretary Food Department shall be liable to pay simple interest on the delayed payment. Besides in case of non-payment, within time, the account of the Food Department shall be liable for attachment to the extent of dues of the petitioners/growers/khatedar as disclosed in their respective petitions, however, it is made clear that before such drastic action is taken against the respondent Food Department Government of Sindh, the department shall come forward with clean hands to resolve the subject issue at their end first without intervention of this Court as the parties have raised the genuine issue which needs to be taken care of by the concerned department on priority basis.*

*These petitions stand disposed of in terms of preceding paragraphs. Let a copy of this be provided to Chief Secretary to Government of Sindh and Secretary Food Department Government of Sindh for compliance.”*

We have heard learned Counsel for the parties present in Court including the learned Assistant Advocate General Sindh, who has waived notices of fresh petitions and seeks disposal of the cases in the terms of common order dated 31.07.2024 passed by this Court in C. P. No. D-987 of 2024 and other connected petitions.

Prima facie, the assertion of the petitioners as well as learned Assistant Advocate General Sindh is tenable and by consent of the parties these petitions are disposed of in the terms of common order dated 31.07.2024 passed by this Court in C. P. No. D-987 of 2024 and other connected petitions.

Office to place a signed copy of this order in the captioned connected matters.

JUDGE

JUDGE

Abdul Basit