

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C.P No.D-383 of 2023

(Manzoor Ahmed v. P.O Sindh and others)

Present;

Mr. Justice Zulfiqar Ali Sangi;

Mr. Justice Riazat Ali Sahar;

Petitioner: Manzoor Ahmed Soomro, petitioner in person
/Advocate

Respondents: Through, Mr. Shahryar I Awan, Assistant
Advocate General

Date of hearing & order 02.10.2025

ORDER

ZULFIQAR ALI SANGI, J.– Through the instant petition filed under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the petitioner, a practicing advocate of the District Bar Association, Ghotki, seeks directions against the official respondents for ensuring the lawful execution of the approved project relating to the construction of the District Bar Library, Ghotki, and for initiating action against those responsible for alleged misuse and misappropriation of public funds allocated for the said purpose.

2. The facts, as set forth in the petition, reveal that the project for construction of a new District Bar Library building at the Judicial Complex, Ghotki, was approved under the Assistant Program Royalty (CSR) funds of Mari Petroleum/Gas Company Limited (MPCL). The work order was issued by respondent No.3 to respondent No.5 on 07.07.2022, specifying construction from the ground level using cement concrete, steel reinforcement, and pacca brickwork for a permanent structure. However, contrary to the approved design and sanctioned plan, it is alleged that only one room was constructed on the roof of the existing District Bar building, apparently to misappropriate the allocated public funds. The petitioner further asserts that the contract was unlawfully awarded in the name of M/s Akbar & Sons, Government Contractors, Ghotki, despite the death of its proprietor, and that the execution of work was managed by a government employee having no legal authority to do so. The petitioner maintains that repeated representations were made to respondent No.2 (Deputy Commissioner, Ghotki) for intervention, but no remedial action was taken. It is also stated that the project cost was

subsequently enhanced, yet the construction remains incomplete and substandard, defeating the very object of providing adequate library facilities to the legal fraternity.

3. The petitioner in person submitted that the failure of respondents to execute the project in accordance with the approved plan constitutes misuse of authority, breach of public trust, and violation of Article 9 and 14 of the Constitution, which guarantee the right to life and dignity. It was contended that the Bar Library is an essential component of the judicial system, and deprivation of its proper infrastructure undermines the administration of justice.

4. Conversely, the learned Assistant Advocate General appearing for respondents No.1 to 4 argued that the project was duly approved and partially executed, though some alterations were made due to site constraints. However, despite explicit directions of this court the learned law officer failed to produce the original approved plan, cost, estimate or any subsequent sanction or variation order which omission itself raises serious questions regarding transparency with execution process.

5. We have heard the parties and have gone through the material available on the record with their able assistance.

6. It is a settled principle of law that public functionaries are trustees of public funds and are bound to act strictly in accordance with law, ensuring transparency and fairness in the utilization of state resources. In **PLD 2013 SC 255 (Mobashir Hassan v. Federation of Pakistan)**, the Hon'ble Supreme Court held that public office is a sacred trust and any deviation from lawful exercise of authority amounts to maladministration and misuse of public trust. Similarly, in **2016 SCMR 1254 (Ali Azhar Khan Baloch case)**, the apex court emphasized that corruption and irregularities in public administration erode citizens' confidence and constitute a direct violation of Articles 4 and 25 of the Constitution. In the present case, the record shows that the contract was issued to a firm whose proprietor was deceased, and the construction deviated from the approved design. The respondents failed to justify the change or produce any revised plan, thereby attracting the presumption of mala fide and misuse of public authority.

7. The inaction of respondent No.2 (Deputy Commissioner, Ghotki) despite complaints and representations reflects dereliction of duty. The

Supreme Court **in PLD 2011 SC 619 (Suo Motu Case No.16 of 2011)** held that public officers are bound to discharge their duties diligently, and failure to do so renders them accountable both administratively and constitutionally. The purpose of the CSR/royalty funds is to promote welfare and development in the local community. Misuse of such funds for partial or illegal construction violates the public trust doctrine reaffirmed **in PLD 2014 SC 695 (Human Rights Case regarding illegal appointments)**. This Court reiterates that public funds are a sacred trust and must be used strictly for their intended purposes. Misuse or diversion of development allocations, particularly for judicial and legal infrastructure, not only violates financial discipline but also undermines the very foundation of justice. The authorities concerned are expected to treat this matter with the seriousness it deserves.

8. The Supreme Court **in PLD 2007 SC 642 (Pakistan Bar Council v. Federal Government) and 2019 SCMR 287** recognized that lawyer' associations and bar libraries are integral to the justice system, serving as centers of legal research and learning. Denying adequate infrastructure to the Bar directly impacts the independence and effectiveness of the judiciary. Thus, the failure to provide a proper library building, despite the sanctioned project, constitutes violation of the fundamental right to access to justice, as enshrined under Article 10A of the Constitution.

9. In view of the above discussion, this petition is allowed in the following terms:

1. Respondent No.2 (Deputy Commissioner, Ghotki) is directed to constitute a three-member technical committee comprising:

The Executive Engineer, Buildings Division, Ghotki;

A representative of the District Bar Association, Ghotki; and

A representative of Mari Petroleum/Gas Company Limited (CSR Wing); to inspect the site of the project for construction of the District Bar Library at Judicial Complex, Ghotki, and submit a comprehensive report within 30 days.

2. The said committee shall:

Verify the approved plan, estimates, and revised approvals;

Assess the extent of work executed and determine whether the funds have been misappropriated or misused;

Recommend measures for completion of the project in accordance with approved specifications.

Identify and recommend disciplinary and criminal action if warranted against any official or contractor found responsible for misuse of official authority or misappropriation of funds.

3. Respondents No.2 to 5 are further directed to ensure completion of the Bar Library building within three months after the committee's report, under the supervision of the District & Sessions Judge, Ghotki.

10. The petition stands disposed of in the above terms.

JUDGE

JUDGE

*M.Ali**