



DECISION

Complaint No. : POS/4197/2020/NWS-40/SGR-02

Name and address of the complainant : Mr. Khalid Mehmood S/o Mushtaque Ahmed
(late) Model Town Phase-I, Near Tooba Masjid,
Nawabshah Road, Sanghar.

Name of the Agency Complained against : Irrigation Department
Fazal Muhammad Shaikh
Regional Director, Sanghar

Name & Designation of Investigating Officer : Syed Hashim Raza Zaidi,
Advisor-S

Vetted by :

Subject : COMPLAINT AGAINST IRRIGATION DEPARTMENT ALLEGING INACTION ON THE COMPLAINTS MADE FOR REMOVAL OF ILLEGAL OBSTRUCTION/DIKKAS AND NON-IMPLEMENTATION OF SHARE LIST OF W/C NO.09 A-R HARAN DISTRY. RECEIPT OF BRIBE BY THE OFFICERS OF IRRIGATION DEPARTMENT ALSO ALLEGED.

THE COMPLAINT:

Mr. Khalid Mehmood filed a complaint dated 21-10-2020 against the Irrigation Department wherein he alleged inaction on the complaints made for removal of illegal obstruction / dikkas and non-implementation of share list of water course No.09-A-R, Haran Distry. He has also alleged that officials of Irrigation Department demanded/received bribe. The complainant has stated that he had frequently approached the concerned agency for redressal of his grievance, but to no avail. Aggrieved by that, he solicited the intervention of this Institution.

PROCEEDINGS:

2. The complaint was admitted under Section 10 of the establishment of the office of Ombudsman for the province of Sindh Act, 1991 (amended up to date), after receiving mandatory Copy of CNIC, Affidavit on form "A" and other relevant documents and by condoning the delay.

3. This office issued notice to the Executive Engineer, Irrigation Thar Division, Mirpurkhas for report vide letter dated 20.01.2021, who in response filed a report vide his letter dated 02-09-2024 that the allegations levelled by the complainant are false, incorrect and mis-conceived hence, vehemently denied on the following grounds. That the Haran Distry falls under the administrative control of Chairman Farmers' Organization (FO) who is a statutory chairman. The Farmer's Organization is elected by the landholders belonging to the command area of the respective Irrigation channel and is a competent forum which is legally mandated to run the operations. Irrigation Department / Area Water Board is only confined to the affairs pertaining to the head of the channels, whereas vital functions in terms of distribution of water, implementation of the share list, irregularities along the water courses of the channel, and have to be managed and looked after by the elected body of Farmer's Organization. He further mentioned that the complainant has leased out his land to someone else and does not cultivate his own land. It may be noted that lessee never complaint to any forum, including Irrigation Department regarding shortage of water supplied to subject land. Therefore, he prayed that the instant complaint may kindly be dismissed / set-aside as no mal-administration on the part of Irrigation Department has been established.

Contd.P/2...

4. During hearing of case on 02-09-2024, the report of the agency alongwith enclosures were delivered to the complainant for filing of his rejoinder / comments, but complainant requested that Chairman of FO may be called as his grievances pertains to him. The notice was issued to Chairman, F.O. vide this office letter dated 04-09-2024 with a copy of rejoinder dated 12-08-2024 filed by the complainant, asking him to file his statement as per allegations leveled by the complainant in his rejoinder dated 19-09-2024.

5. The Chairman, Farmer Organization submitted his written statement and denied the allegations levelled by the complainant and stated that it was decided by FO that complainant will construct pakka water course, which he did and now his lessee is getting his due share of water smoothly. He also enclosed the copy of the decision. He has further informed that complainant is a defaulter in payment of Abyana since last 10 years and the subject complaint was filed by the complainant, when the Chairman, F.O. had asked him to pay Abyana. As per manual of Irrigation Department, the Zamindar will get 28% of his produce but on the site, the lessee is getting 40% of his produce. The complainant is habitual of filing false complaints only to blackmail the Irrigation Department and after getting the required benefits from the department he withdraws from such complaints. Previously on the demand of payment of Abyana, the complainant filed Misc. Application No.14/2019 before JM-II / Civil Judge Sanghar, which was later withdrawn by the complainant. He enclosed the copy of withdrawal application as an evidence.

6. In order to further investigate the matter, the Investigating Officer, Sanghar called the parties for hearing on 19-09-2024, which was attended by the complainant, representative of Irrigation Department and Chairman, Farmer Organization. The parties were heard and examined on the basis of material / evidence available on record. After thorough examination of available record it was found that the allegations leveled by the complainant are incorrect. Moreover, the complainant was found to be a defaulter of payment of Abyana since last 10 years, to which he partially confessed

FINDINGS:

7. Therefore, as the complainant failed to produce any evidence in support of allegations leveled by him against the Irrigation Department / Chairman, F.O. Haran Disty, no mal-administration on the part of agency or Chairman, F.O. has been established, whereas, complainant was found to be a defaulter in payment of Abyana.

DECISION:

8. In view of the above and in exercise of powers vested in me under Section 11 of the Establishment of the office of Ombudsman for the province of Sindh Act, 1991 (amended up-to-date), I do hereby dispose of the complaint as rejected.

Given under my hand and seal of the office.

- Sd \-

(Muhammad Sohail Rajput)

Sitara-e-Imtiaz: PAS

Ombudsman Sindh

Karachi, dated 18th Nov, 2024

