



DECISION

Complaint No. :

POS/4350/2023/J-52

Name and address
of the complainant :

Mst. Shabana Kausar, W/o Muneer Ahmed,
House No.B-178, P.E.C.H.S, Block-08,
Gulistan-e-Jauhar, Karachi

Name of the Agency
complained against :

Works & Services / Education Works Department

Name & Designation of
Investigating Officer :

Mr. Ghulam Sarwar, Advisor-J

Subject :-

**ALLEGED INORDINATE DELAY IN PAYMENT OF OUT
STANDING DUES OF RS.124,649,000/- TO THE
COMPLAINANT ON ACCOUNT OF WORK DONE IN THE
YEAR 2014.**

COMPLAINT

Mst. Shabana Kausar W/o Muneer Ahmed, filed a complaint on 09-06-2023 regarding inordinate delay in payment of outstanding dues amounting to Rs. 124,649,000/- on account of works completed by her husband Muneer Ahmed as contractor and proprietor of M/S Afzal Associates from the year 2005 to 2014 in Electrical Division-I & II of Education Works / Works & Services Department. She alleged that her husband completed the contractual works upto 2014 but the payment was not made to him. The Electrical Division, which was initially handling the matter has since been closed and its works have been transferred to Civil Department of Education works. She made numerous attempts to get the matter resolved by visiting concerned authorities but could not succeed to get relief. Therefore she has sought the intervention of this Institution.

PROCEEDINGS

02. The complaint was admitted under section 10 of the Establishment of the office of Ombudsman for Province of Sindh Act 1991 (amended upto date) by condoning the delay in filing it and subject to submission of copy of CNIC and Affidavit on Form- "A".

03. The proceedings were made on different dates, report were sought from concerned agencies who denied the claim of complainant and stated that there are no pending liabilities as all the payments had been made to M/S Afzal Associates as per the work done by him and where the works were not completed by Contractor, the same works were rescinded as per rules and contract agreement.

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04. The agency's report was shared with complainant. In response, the complainant submitted rejoinder on stating that she is not satisfied with the report of Agency.

05. On perusal of record, it transpired that the execution of the works were initiated by the office of the District Officer, Electrical Energy-II, Karachi Works & Services Department. The said office was further re-named as the office of the Executive Engineer Electrical Energy-II Works & Services Department Karachi. Later on, through Works & Services Department Notification No. EI(W&S)1- 1/2016, dated: 23-01-2017 the post of Executive Engineer Electrical Division-II Karachi was placed under administrative control of Education & Literacy Department and all works were transferred to Civil Divisions of Education Works. Again, all electrical works relating to Civil Divisions of Karachi were transferred to Office of the Executive Engineer Electrical Energy-I, Division Karachi as per Notification No. EI(W&S)1-1/2016, Dated: 15-02-2017. In compliance with the notification it appears that an incomplete record was handed over to the Office of the Executive Engineer Electrical Energy-I Karachi by the Office of the Executive Engineer Electrical Energy-II, Karachi.

06. The Executive Engineer, Education Works Electrical Division-I, Karachi recorded his statement on 27-09-2023 that his division was created in the month of August-2017 and outstanding dues of M/S Afzal Associates pertain to Works & Services Department for the period 2005 to 2014. The works were awarded to Contractor prior to creation of Electrical Division-I of Education & Works Karachi as such no record is available in his office on the subject matter. The Executive Engineer, Education Works Electrical Division-II, Karachi reported that he has been transferred to Hyderabad.

07. The notices were issued to complainant for rejoinder on statements of both Executive Engineers of Education Works Electrical Division-I & II Karachi as well as for providing details of works claimed to have been done in table form. The complainant submitted a reply which was irrelevant and not in accordance with the requirement given in this office's letter.

08. The works were executed more than 16 years ago and both parties showed lack of trust on each other, it was unanimously agreed in a hearing held on 17.04.2025 that the matter may be enquired through a third party.

09. Mr. Altaf Hussain Khuwaja, Superintending Engineer Provincial Buildings Circle Karachi was appointed as Enquiry Officer vide Order #PS/4350/2023/85/KHE/J-52, Dated: 18-04-2025 to conduct comprehensive, elaborate and conclusive fact finding enquiry into the matter and submit report within 03 weeks positively.

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10. Mr. Altaf Hussain Khuwaja Superintending Engineer Provincial Circle Karachi submitted his report on 30-05-2025 alongwith reports of Executive Engineer, Education Works Electrical Division-II Karachi and Executive Engineer Electrical / Energy Works & Services Department Karachi.

11. Mr. Altaf Hussain Khuwaja, Enquiry Officer, reported that as per replies of Executive Engineer Electrical Energy-I Karachi and Executive Engineer Education Works Electrical Division-II Karachi, it is evident that record pertaining to the claim of complainant is unverifiable in Agency's offices and has also not been provided by Complainant. The Complainant also could not produce any plausible evidence in support of her claim. The photocopied record provided by the complainant were declared bogus & fictitious and it was concluded that claim of the complainant is baseless.

12. A hearing was convened on 19.06.2025, in which Chief Engineer Education Works Region Karachi and Chief Engineer Works & Services and other officers of concerned Agencies as well as complainant were present. Chief Engineer (s) Education Works & Works and Services Department expressed their firm opinion that the complainant's claim is baseless as complainant have not produced the original record or supporting documents.

FINDINGS

Keeping in view, the facts, statements of both parties given at multipule stages of proceedings at this Institution and the Enquiry report of Mr. Altaf Hussain Khuwaja, Superintending Engineer Provincial Buildings Circle Karachi it is concluded that:

- a) Claim of Complainant is for the works executed between 2005 to 2014, more than 10 years ago, which are not physically verifiable at this stage.
- b) The original record is not traceable / available with the concerned Agency, which is gross act of negligence on the part of agency.
- c) The agency had paid an amounting to Rs.5,849,897.00/- to the contractor during the years 2005-2009 as per the works done at site.
- d) The Complainant failed to provide original work orders / contract agreement, Measurement Books and other relevant record to substantiate her claim.

DECISION

The complaint is therefore disposed of as rejected and consigned to record. However, I further direct the Secretary, School Education & Literacy Department to fix responsibility for missing of official record and take action against the officers and officials found responsible for this maladministration and submit report to me in 90 days hereof.

"Given under my hand and seal of office"

Sd /-

(MUHAMMAD SOHAIL RAJPUT)
Sitara-e-Imtiaz. PAS
Ombudsman Sindh
Karachi, dated 3rd July, 2025

