



DECISION

Complaint No.	:	POS/2810/17/NFZ-41
Name and address of the complainant	:	Mr. Muhammad Khan Channa, Sindh Colony, Unit No.8, Near Ideal School, N'Feroze
Name of the Agency Complained against	:	Market Committee, Moro) (Agriculture Department
Name & Designation of Investigating Officer	:	Khalid Shaikh, Regional Director, N' Feroze
Vetted by	:	Fasihuddin Khan, Advisor 'Z'
Subject	:	REQUEST FOR PAYMENT OF OUTSTANDING SALARIES AMOUNTING TO RS.19,46,460/- TO THE COMPLAINANT

THE COMPLAINT

Mr. Muhammad Khan Channa filed a complaint on 02.10.2017 stating therein that he retired from service as Secretary, Market Committee, Moro. After retirement on 01.01.2017, he approached his department for releasing his remaining salaries pending with different town Market Committees, amounting to Rs.20,14,601/- but in vain. He, therefore, solicited intervention of this Institution.

PROCEEDINGS

2. The complaint was admitted u/s 10 of the Establishment of the Office of Ombudsman for the Province of Sindh Act, 1991 (amended up to date) by condoning the delay and subject to submission of Affidavit on Form 'A'. The matter was taken up with the Director General, Agriculture Extension and the Deputy Director (MO), Agriculture Marketing Sindh, Hyderabad for comments and a copy of the said letter dated 16.10.2017 was endorsed to the complainant alongwith Affidavit on Form 'A', for filling up and return of the same. On 01.11.2017, comments were received from the Director, Agriculture Marketing Sindh, Hyderabad that the complainant was an employee of Unified Grade Service and served as Secretary, Market Committee in different towns of Sindh. Every Market Committee is body corporate as envisaged u/s 14 of Agriculture Produce Markets Act, 1939 and responsible for payment of salary and pension u/s 16 read with Section 21 of the said Act from its own funds. During his posting as Secretary, Market Committee, the applicant failed to generate enough funds to arrange the payment of salaries for himself and the staff and also failed to open pension fund account to contribute due share which was now causing difficulty in the payment of dues. However, the concerned Market Committees were being

directed to clear dues of the incumbent on the availability of funds. On 12.12.2017, the Inspector, Market Committee, Moro reported that the complainant was transferred from Market Committee, Mirpurkhas and posted as Secretary, Market Committee, Moro on 07.12.2016. He retired from the Government Service on 31.12.2016. He has been paid salary for the said period and no outstanding salary remains towards Market Committee, Moro. The report was shared with the complainant for rejoinder, if any, vide letter dated 18.12.2017. On 01.01.2018, the complainant submitted rejoinder in which he stated that his monthly salaries are outstanding against Market Committee, Nawabshah from July 2009 to June 2015 and from July 2016 to September 2016 amounting to Rs.19,46,460/- while the outstanding amount of monthly salaries towards his service in Market Committee, Dadu from May 2007 to September 2007 was Rs.68,141/-. The matter was then fixed for hearing vide letter dated 08.08.2018. During hearing on 25.10.2018, the Secretary, Market Committee, Nawabshah submitted report that the main source of income of Market Committee, Nawabshah is payment of market fee on sugarcane from Sugar Mills but these payments were not received regularly. He further stated that they have filed Constitutional Petition No.41/2012 in the High Court of Sindh, Karachi, against the Sugar Mills. It was further submitted that the High Court Circuit Bench, Hyderabad has passed orders to seal accounts of the Market Committee till dues of petitioners are not cleared in C.P. No.39/2009 and 64/2011 filed by pensioners, therefore, they are unable to make any payment till the accounts are opened by the High Court. He claimed that dues of the complainant would be paid as and when the accounts were opened subject to availability of funds. During hearing, the Agency submitted photocopy of Petition vide Suit No.141 of 2012 filed by Habib Sugar Mills Limited against the Province of Sindh and another in the High Court of Sindh at Karachi and photocopy of Orders passed by High Court of Sindh Circuit Hyderabad in C.P. No.D-64 of 2011, C.P. No.39 of 2009, C.P. No.D1847 of 2010 and C.P. No.1127 of 2011. During hearing on 19.11.2019, the complainant reported that the Market Committee, Dadu has paid Rs.68,000/- as arrears of his salary. He claimed that outstanding salary towards Market Committee, Nawabshah was still not paid to him. Thereafter, letter was issued to the Secretary, Market Committee, Nawabshah on 04.01.2020 followed by reminders and a letter dated 02.12.2021 was also issued to the Director, Agriculture Marketing Sindh, Shaheed Benazirabad for report followed by reminders. Hearing on 24.01.2024 was attended by the Secretary, Market Committee, Nawabshah and the complainant. The Secretary informed that the complainant has filed C.P. Before the High Court Bench at Sukkur for the same purpose. The complainant then submitted application for withdrawal of the present complaint.

(3)

DECISION

3. In view of the above, the complaint stands disposed of as partly redressed and withdrawn by the complainant being subjudice.

Link File
POS/RO-NF-49/17/NFZ-244

Given under my hand and seal of Office.

