

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI.**  
**C.P No.D-1054 of 2019**

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DATE: ORDER WITH SIGNATURE(S) OF JUDGE(S).

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**Priority**

1. For orders on CMA No.7411/19.
2. For order on office objection.
3. For hearing of CMA No.4716/19.
4. For hearing of main case.

**11.03.2019**

Mr. Yousuf Moulvi, Advocate along with the petitioner.  
Mr. Zafar Imam, Advocate files Vakalatnama on behalf of Respondent No.2.  
Mr. Muhammad Sharif, Advocate for Respondent No.3.  
Chaudhary Waseem Akhtar, Assistant Advocate General.

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The petitioner filed this petition seeking to remain in the official accommodation till 31<sup>st</sup> December, 2019, despite having retired from service on 16<sup>th</sup> April, 2018.

Learned Assistant Advocate General pointed out that accommodation under consideration in this petition was the subject of an earlier petition, being CP No.D-8194 of 2018, which was disposed of vide order dated 14.01.2019, which is reproduce herein below:

“At the very onset Mr. Zafar Imam, learned counsel for respondent No.2, submits that the allotment order in favour of the petitioner dated 17<sup>th</sup> April, 2018 is valid and subsisting. Learned counsel further submits, on instruction, that the said allotment order shall be honored and that the present occupier of the subject premises shall be evicted by the respondent No.2 from the subject property, where-after possession of the subject property shall be handed over to the petitioner in terms of the allotment letter dated 17<sup>th</sup> April, 2018.

Mr. Mohammad Waseem, learned Assistant Attorney General, supports the statement made on behalf of respondent No.2.

Petitioner Naib Ali Pathan is present alongwith his learned counsel and is satisfied with the statement made by the learned counsel for the respondent No.2 and does not seek to press his petition any further. The petitioner further submits that he would be satisfied if this petition may be disposed of in the terms as submitted by the learned counsel for the respondent No.2. The learned counsel for the respondent No.2 as well as the learned AAG have no objection for the disposal as aforesaid.

Order accordingly. This petition, along with pending application/s, stands disposed of.”

The learned Assistant Advocate General as well as the learned counsel for the respondent Nos.2 and 3 challenged the maintainability of the petition and also submitted that the same was devoid of merit.

After arguing the matter at some length, the learned counsel for the petitioner, upon instructions, submitted that the petitioner would be satisfied and not press this petition if the matter is disposed of with the directions that prior to taking any action against the petitioner the official respondents may consider the request of the petitioner to stay in the official premises for a short while purely upon humanitarian grounds, as the petitioner superannuated after an illustrious 35 year career. The learned Assistant Advocate General and the learned counsel for the respective respondents have no objection to this request. In view of the forgoing, this petition, along with all pending applications, is disposed of accordingly.

**JUDGE**

**JUDGE**