

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

R.A No.84 of 2018

Date	Order with signature of Judge
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Hearing case (Priority)

1. For orders on office objection
2. For hearing of CMA No.7757/2018
3. For hearing of CMA No.7758/2018
4. For hearing of main case.

17.10.2018

Mr. Habib Jalib, advocate alongwith applicant.
Mr. Kamal, advocate for Respondent No.2.
Dr. Muhammad Suleman, Respondent No.2 present in person.
Mr. Parvez Akhtar, State Counsel.

This Revision Application has been filed by an Ex-employee of Respondent No.2 against dismissal of his suit and appeal by the two courts below whereby he was directed to vacate the official accommodation. It is admitted fact that the appellant was retired from service on **6.8.2015** and as per law his entitlement to retain the official residence was six months from the date of retirement but somehow or the other he continued possession most probably under the cover of litigation which has started in 2016. The trial Court dismissed the suit by order dated **14.2.2018** and even appellate Court affirmed the order by judgment dated **30.8.2018**. This petition was filed against the concurrent findings of the two Courts below, however, there was no stay in favour of the applicant neither in trial Court nor before the appellate Court. Even this Court too has not granted any stay against the impugned action against him, therefore, throughout this period the occupation of the premises by the applicant was unlawful after expiry of six months from the date of his retirement. During these proceedings inventory has been prepared by

this Court regarding household articles of the applicant lying in the premises in question.

The claim of the applicant is that despite the fact that the premises has been sealed by the Respondents they have not released the pensionary benefits to the extent of gratuity payable to the applicant amounting to Rs.15,61,328/-. Today Dr. Muhammad Suleman, Respondent No.2 is present in person. He states that this amount is payable to the applicant subject to deduction of rent till the date they have put their locks on the premises i.e on 1st September, 2016. Therefore, from the date of retirement till 30th August, 2018 the applicant is liable to pay rent which he has been paying as an employee till August, 2015 at the rate of Rs.1620/- per month.

In view of above, Respondent No.2 is directed that after deduction of basic rent at the rate of Rs.1620/- per months with effect from September, 2016 to 30th August, 2018, the remaining amount of gratuity from **Rs.15,61,328/-** should be deposited by respondent No.2 with the Nazir of this Court on or before **03.11.2018**. The Nazir of this Court is directed to accompany the applicant after giving two days' notice to Respondent No.2 for removing the household articles lying in the premises in question and he should also submit report for perusal of this Court in Chamber on or before **03.11.2018**.

This Revision Application stands disposed of in the above terms alongwith pending applications.

JUDGE