

IN THE HIGH COURT OF SINDH KARACHI

Before:

Mr. Justice Muhammad Shafi Siddiqui

Mr. Justice Adnan-ul-Karim Memon

Constitutional Petition No. D -6787 of 2020

Professor (Retd) Syed Anwer Ali and another

Versus

Province of Sindh and 03 others

Date of hearing
& order : 12.01.2021

Mr. Waheed Hussain, advocate for the petitioners.

ORDER

ADNAN-UL-KARIM MEMON, J. - Through this constitutional petition, the petitioners have called in question the notice dated 22.09.2020 issued by respondent-University of Karachi, whereby they were directed to vacate the University accommodation allotted to the petitioner No.1 during his tenure of service, *inter alia*, on the following facts and grounds.

2. petitioner No.1 during his service tenure was allotted a House No.B-12, Staff Town, University of Karachi. Admittedly the petitioner No.1 stood retired from the university service on 06.10.2018 and retained the possession of the aforesaid official accommodation on the premise that he sent the application to the competent authority for accommodating his son in the subject premises after his retirement, but no action was taken upon the said application. However, he relied upon the resolution/vacation notice dated 14.07.2020 whereby respondent-university resolved that the aforesaid accommodation could be allotted to the petitioner No.2/son of petitioner No.1 if the said accommodation was/is vacated by them. Per petitioners, they had legitimate expectancy for the allotment of the subject accommodation but the respondent-university took U-turn; and, in pursuance of the above decision, impugned vacation notice has been issued to the petitioners calling upon them to vacate the University accommodation within thirty (30) days, which has been impugned in the present petition.

3. It is urged that the petitioners cannot be termed as unauthorized residents by any stretch of the imagination as the respondents themselves had allotted the University accommodation to the petitioner No.1 and subsequently had passed

resolution in their favour to retain possession. It is further urged that the resolution of the respondent-university has been misconstrued, and as such the impugned vacation notice is misconceived and illegal; and, violates the law and thus is liable to be set aside. It is urged that the petitioners have been occupying accommodation strictly under the terms of allotment and nothing is outstanding against them in the shape of rent. It is further contended that the petitioners are not unauthorized occupants of the official accommodation as depicted by the respondent-university. He prayed for the annulment of the decision of the respondent-university as discussed supra.

4. We have heard learned counsel for the petitioners on the maintainability of the instant petition and have perused the material available on record.

5. *Prima-facie* the petitioner No.1 stood retired from the service of respondent-university on 06.10.2018 and after retirement, he was allowed to remain in possession up to 05.10.2019, therefore, no vested right can be claimed by them to retain the university accommodation for an indefinite period. Even otherwise, we are not satisfied with this assertion made by learned counsel for the petitioners to the effect that they are authorized residents of subject accommodation, which act on their part is not appreciated for the simple reason that to date no allotment order has been made in favour of petitioner No.2 who is stated to be an employee of respondent-university and it is for them to take appropriate decision if the petitioner No.2 is entitled to under the law. The documents relied upon by them do not confer any right thereupon permitting them to ask for the continuation of the allotment of subject premises.

6. In light of the above facts and circumstances, this petition is dismissed in limine along with the pending application(s) with no order as to costs.

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