

Order Sheet
**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD**

CP No. D- 1857 of 2018

BEFORE :

Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Adnan-ul-Karim Memon

Petitioner: Mst. Kulsoom through Mr. Tariq Hussain,
Advocate.

Respondents 2-9: through Syed Shahzad Ali Shah, Advocate
Mr. Ashfaq Nabi Qazi, Assistant Attorney General

Date of hearing & decision: 04.11.2021

ORDER

ADNAN-UL-KARIM MEMON, J:- Through this petition the petitioner prayed for direction to respondents / Pakistan Railway to release all the service benefits of her late husband Tarique Mehboob. Petitioner has also prayed that she may be allowed to retain possession of the official accommodation allotted to her late husband during service. It has been conceded on behalf of the petitioner that her husband passed away in the year 2013 and under the Policy / Rules / Regulations of Pakistan Railways, she was entitled to retain possession of the official accommodation upto five (05) years after the demise of her husband.

This court vide order dated 27.01.2021 observed that under the Policy/ Rules / Regulations of Pakistan Railways, the petitioner was entitled to retain possession of the official accommodation upto five (05) years after the demise of her husband, which period expired in the year 2018, hence the petitioner and her counsel were put on notice to satisfy the Court regarding maintainability of this petition and further Pakistan Railways was directed to ensure that all service benefits of the petitioner`s husband are paid to her before the next date of hearing and if such payments have already been made to her, proof thereof must be placed on record before the next date of hearing with advance copy to the other side.

On 31.3.2021 this court while observing that the petitioner is keeping the official accomodation / quarter with her despite having

lapse of 07 years after the demise of her husband, hence she was directed to vacate the same within a period of (30) days without fail. On 29.4.2021 counsel for petitioner requested for extension of time to further 60 days being the petitioner as an old lady for shifting, hence the request was allowed. On 12.8.2021 petitioner appeared in person and submitted that the subject quarter has already been vacated by her and she sought time on the ground that her counsel was busy before principal seat at Karachi. On 28.9.2021 compliance report was submitted by Pakistan Railway Karachi.

A perusal of compliance report shows all the service settlement dues had already been paid to the widow of late Tariq Mehboob Ex. ALOW/ HDR timely and also paid her all benefits under Prime Minister Package, except marriage grant of Rs. 50,000/- (Rupees fifty thousand only) for her one son which has been finalized and the said amount shall be paid to the petitioner on priority basis as soon as the funds are received and further it has been pointed out that the period of retention of Railway accommodation has already been expired on 2.12.2018 but the petitioner occupied the said government accommodation without paying commercial rent since 2018 which amounts to Rs.84,64,320/- which is to be paid by the petitioner to Pakistan Railway.

We have heard the learned counsel for the parties and perused the material available on record.

After arguing the matter at some length, learned counsel for the petitioner pointed out the objections filed on behalf of the petitioner and submitted that petitioner is still entitled to the legal dues as per schedule given in the objection. This clam of the petitioner has been refused by the learned counsel representing Pakistan Railway on the premise that nothing is left on their part to be paid to the petitioner; however, only certain amount in respect of marriage grant on wedding of one daughter which amount has not yet been matured; however, they undertake to clear the dues as and when the same is matured as per law.

If this is the position of the case this petition has served its purpose which is disposed of with direction to the competent authority of respondents to look into the matter of the petitioner so far as any outstanding amount is concerned and if there is nothing left to be paid they are required to hear the petitioner and pass appropriate order in accordance with law within a period one month from the date of receipt of this order. So far as possession of official accommodation allotted to her

late husband during service is concerned the same if not vacated earlier
be vacated forthwith without further order of this court.

JUDGE

JUDGE

Karar_hussain/PS*