

IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No.D-7406 of 2021

Date

Order with signature of Judge

Fresh Case:

1. For order on Misc. No.32523/2021 (Urgent/App)
2. For order on office objection No.18.
3. For order on Misc. No.32524/2021 (Exemption/App)
4. For order on Misc. No.32525/2021 (Stay/App)
5. For hearing of main case.

21.12.2021

Mr. Muhammad Arif, Advocate for the petitioner.

1. Urgency granted.

2-5. This petition has been filed on the ground that the letter dated 29.11.2021 issued to the petitioner for handing over the accommodation “provisionally” allotted to him may be set aside.

Mr. Muhammad Arif Advocate is present on behalf of the petitioner and stated that prejudice would be caused to the petitioner if the accommodation provided to him is taken back. He further states that under identical circumstances in C.P. No.D-4682 of 2020 the vacation order was suspended.

The counsel has been heard and record has been perused.

It is quite clear from the office order dated 13.02.2010 that the official accommodation bearing No.D-1, situated in KW&SB Staff Colony at Filter Plant P.P Division, KW&SB COD Hills, Gulshan-e-Iqbal, Karachi, was allotted to the petitioner by categorically marking “**provisionally allotted**”. It is clear from the said office order that only a “provisional allotment” was given to the petitioner and through the impugned letter the petitioner was required to vacate the “provisionally” allotted accommodation as per the terms of the office order dated 13.02.2010, whereby provisional allotment was given to the petitioner. The counsel for the petitioner was categorically asked to explain as to whether any vested right accrues to a person who has been provisionally allotted an accommodation, to which his only reply is that the petitioner is residing in the said place since quite some time. Even if it is assumed that the petitioner is residing in the premises since quite some time but

the fact remains that firstly it is a settled principle of law that no vested right could be claimed in respect of the accommodation provided to an employee and secondly it is an admitted fact that the accommodation provided to the petitioner was a “provisional allotment” as while allotting the accommodation it was made clear to the petitioner that the accommodation given to him was only provisional in nature. Moreover the reliance on C.P. No.D-4682 of 2020 is also misplaced, as from the order dated 28.09.2020 passed in that matter it is clear that the flat was properly allotted to the petitioner and a rent was being deducted from his salary in respect of the flat occupied by the petitioner. No such position has been highlighted in the present matter by the petitioner so as to show that the facts of C.P. No.D-4682 of 2020 are either akin or have any relevancy with the facts obtaining in the present petition, as in the instant petition as noted above it is clear from the office order dated 13.02.2010 that the accommodation provided to the petitioner was only a provisional allotment and thus no vested right in this regard could be claimed by him for occupying the provisionally allotted accommodation. The petition, therefore, is found to be not maintainable and hence stands dismissed in limine along with the listed applications.

JUDGE

JUDGE