

**ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT  
HYDERABAD**

**C.P. No. D-3184 of 2022**

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<b>Date</b>	<b>Order with signature of the Judge</b>
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For hearing of main case.

*Before*

Justice Nadeem Akhtar

Justice Khadim Hussain Tunio

Mr. Adnan Ahmed Khan, advocate for the petitioner.

Mr. Pervaiz Tariq Tagar, advocate for the respondent No. 5.

Mr. Ayaz Ali Rajper, Assistant Advocate General Sindh.

Date of hearing: 07.02.2023

Date of decision: 07.02.2023

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**ORDER**

**KHADIM HUSSAIN TUNIO, J:-** The petitioner is a Women Medical Officer by profession and is a resident of Government Quarter No. 1, D-II, B Type at Public Health School Residential Colony Hyderabad which was allocated to her mother who retired as a Nursing Instructor for the School of Nursing LUH, Jamshoro.

2. It is the case of the petitioner that her mother Mrs. Shaheen Akhtar was allocated the aforesaid quarter for serving as a Nursing Instructor (BS-17) vide letter No. PHS/Hyd/317/26. Upon nearing her retirement, the petitioner submitted an application dated 10.01.2022 to the Medical Superintendent, Government Shah Bhitai Hospital, Latifabad Hyderabad for the transfer of allotment of the quarter in her name as she was serving as a Women Medical Officer (BS-18). As against this, the respondent No. 5 Asif Ali, Male Staff Nurse (BS-16) also submitted an application for allotment of the said quarter and vide order dated 27.01.2022, the same was allotted to the respondent No. 5 by the Director General, Health Services Sindh at Hyderabad. The petitioner continued to submit applications for the allotment of the said quarter until on 01.09.2022, the Principal, Public Health School Hyderabad informed the respondent No. 6 / mother of the petitioner that following her retirement on 31.08.2022, she was to vacate the quarter as the

same had been allotted to respondent No. 5 Asif Ali, hence this petition.

3. Learned counsel for the petitioner contended that the petitioner was kept on hollow hopes and eventually the quarter was allotted to the respondent No. 5; that the petitioner had submitted her application before the respondent No. 5, but due to malafide of the respondents, her application was moved for consideration at a later date; that the petitioner has been residing in the quarter alongside her mother since its allotment and was more than entitled to the allotment of the same.

4. Learned Assistant Advocate General assisted by the learned counsel for the respondent No. 5 stated that the petitioner adopted proper channel of correspondence on 28.01.2022 when the quarter had already been allotted to the respondent No. 5 vide order dated 27.01.2022; that the respondent No. 5 had applied through proper channel for the allotment of the quarter on 20.01.2022 who is duly qualified to be allotted the same as he is working as a Male Staff Nurse (BS-16) at Shah Bhitai Government Hospital Latifabad, Hyderabad.

5. We have heard the learned counsel for the respective parties, learned Assistant Advocate General and perused the record available before us.

6. A perusal of the record reveals that the petitioner Dr. Shamsa Arain had applied for the allotment of the quarter earlier allotted to her mother on 10.01.2022 whereas the respondent No. 5 applied for the same on 20.01.2022, however the petitioner's application was forwarded for consideration on 28.01.2022, a day after the allotment of the quarter. The petitioner never received a reply to her pending application and was kept on hollow hopes which made her keep applying for the allotment of the same. It was only brought to the notice of the petitioner on 01.09.2022, a day after the retirement of her mother that the said quarter had been allotted to the respondent No. 5 that they had to vacate the premises and hand the physical possession over to respondent No. 5. It is surprising to note that no reasons for refusing the allotment of the plot to petitioner was given despite her qualifying for allotment. Not only this, her case for allotment stood at a better footing than the respondent No. 5 for the reasons that she had already been residing in the said quarter along with her mother and also because she was a female responsible for her mother and was serving at a higher grade than the

respondent No. 5.

7. Accordingly, official respondents are directed to reconsider the case of the petitioner and accommodate her in the quarter allotted to her mother where they continue to reside and then accommodate the respondent No. 5 in some other quarter in the same scheme. Official respondents are further directed that all allotments shall be made strictly on merit. Let notice be issued to them for compliance.

8. Instant petition stands disposed of in the above terms.

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