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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Constitutional Petition No.D-1180 of 2016.

PRESENT:

**Mr. Justice Zafar Ahmed Rajput,
Mr. Justice Irshad Ali Shah,**

Petitioner : Zulfiqar Ali Panhwar, through Mr. Imdad Ali Mashori,
Advocate.

Respondent : Province of Sindh & others.

Mr. Rashid Mustafa Solangi, advocate for respondents
No.3 to 5 & 7.

Mr. Naimatullah Bhurgri, State Counsel.

Date of hearing : 28.08.2018.

Date of order : 28.08.2018.

ORDER

ZAFAR AHMED RAJPUT, J.- Through instant Constitutional
Petition, the petitioner has sought the following reliefs:-

- (a) *This Honourable court may graciously be pleased to direct the respondent No.2 to cancel the allotment of quarters to the respondents No.4 and 5 who have only service of three years and to allot one quarter to the petitioner who has service of 26 years and also no personal residential house.*
- (b) *That this Honourable Court may graciously be pleased to direct the respondents No.2 and 3 not to disturb the petitioner from ousting him from service and provide protection to service of the petitioner.*

2. It is alleged in the memo of petition that the petitioner has been serving in Provincial Buildings Division, Larkana as Driver in BPS-6 since 1990. It is further alleged that Govt. of Sindh sanctioned a scheme of construction of four residential quarters for Works & Services Division, Larkana and the petitioner being a low-paid employee and having no personal accommodation submitted his application for allotment of one of the residential quarters. It is case of the petitioner that the respondent No.2 i.e. Superintending Engineer, Works & Services Department, Larkana allotted the four residential quarters to respondents No.4 to 7, who are having their personal residence in Larkana, out of them respondents No.4 and 5 have only

three years length of service. It is further case of the petitioner that he sent an application to respondent No.2 on 18.5.2016 for the allotment of the quarter, but the latter did not consider the request of the petitioner.

3. Learned Counsel for the petitioner has contended that the petitioner is serving as Driver in Provincial Buildings Division, Larkana for the last 26 years and therefore, he is entitled for the allotment of residential quarter, but the respondent No.2 allotted the quarters to respondents No.4 and 5 being his blue-eyed persons and the petitioner after running from pillar to post for the redressal of his grievance has approached this Court for seeking relief as prayed.

4. On the other hand, learned Counsel appearing for respondents No.3 to 7, while inviting attention of this Court towards the comments filed by the respondent No.2, has maintained that the petition is misconceived, as the petitioner is working in Provincial Buildings Division, Larkana, whereas the respondents No.4 to 7 are working in Works & Services Department, District Larkana and the Works & Services Department, District Larkana like other district departments report to the head of district administration in terms of development programs. He has also maintained that the four quarters were approved by the then Deputy Commissioner, Larkana with the name of the scheme as "Construction of Type Vth Quarter (10 Nos.) for various departments of District Larkana" and out of them, four quarters were constructed for Works & Services Department, District Larkana and since the respondents No.4 to 7 are serving in the Works & Services Department, District Larkana, the quarters were rightly allotted to them as per their entitlement. He has further maintained that the petitioner should have approached the Provincial Buildings Division, Larkana, where he is serving as Driver, for the allotment of any quarter, if so available.

5. Heard the learned Counsel for the parties and perused the material available on record.

6. It is an admitted position that the petitioner is serving as Driver in Provincial Buildings Division, Larkana, while the respondents No.4 to 7 are serving in Works & Services Department, Larkana. It further appears that on 12.5.2012 Administrative Approval was accorded by the then Deputy Commissioner, Larkana for execution of construction scheme of Buildings sector initiated under District ADP

2011-12, whereunder ten (10) residential quarters of Type-V were approved to be constructed for various departments of District Larkana. Out of them, four (04) residential quarters were constructed for the employees of Works & Services Department, Larkana, which is the entity of the District Government, and since the petitioner, who is working in the office of Executive Engineer, Provincial Buildings Division, Larkana under Provincial Government is not entitled for the allotment of said quarters, he could not be accommodated in the quarters built for the employees of Works & Services Department, Larkana; hence this petition being devoid of any merit is dismissed accordingly.

*Qazi Tahir PA/**