

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P No.D-449 of 2026

[Abdul Majeed Khan v. Province of Sindh and 08 others]

Before:

**Justice Arbab Ali Hakro
Justice Riazat Ali Sahar**

Petitioner by : Mr. Agha Ghulam Abbas, Advocate

Respondents by : Nemo

Dates of Hearing : 03.3.2026

Date of Decision : 03.3.2026

ORDER

ARBAB ALI HAKRO J:- The petitioner has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution, seeking to challenge the cancellation of Government Quarter No.250 situated at Do-aba Police Lines, Hyderabad, and its re-allotment to respondent No.5.

2. The petitioner was serving as Police Constable No.1949 when the quarter in question was allotted to him vide order dated 14.05.2025. Subsequently, disciplinary proceedings were initiated, culminating in the major penalty of dismissal from service vide order dated 16.06.2025. The petitioner claims to have filed a departmental appeal before the Deputy Inspector General of Police, Hyderabad Range, which is pending adjudication. During this period, the Senior Superintendent of Police, Hyderabad, cancelled the petitioner's allotment and re-allotted the quarter to respondent No.5.

3. Learned counsel contends that the petitioner's dismissal has not attained finality due to the pendency of a departmental appeal; therefore, the cancellation of the quarter is premature and without lawful authority. It is argued that the petitioner invested substantial personal funds in the renovation of the quarter and that the impugned order was passed without notice or hearing, thereby violating Article 10-A of the Constitution.

4. We have heard the learned counsel for the petitioner and examined the material available on record. The petitioner has not placed on record any material to show that his dismissal has been suspended, set aside, or that he has been reinstated in service. No interim relief from any competent forum has been shown.

5. It is an admitted position that the petitioner stands dismissed from service. The mere filing or pendency of a departmental appeal does not, by itself, suspend the operation of the dismissal order. Unless the competent appellate authority stays or reverses the punishment, the petitioner remains a dismissed employee.

6. The Government accommodation is a service privilege, not a vested right, and it automatically ceases upon termination of service. A dismissed employee cannot claim the right to retain government accommodation.

7. The petitioner seeks enforcement of a service related benefit which is purely incidental to employment. Such matters do not fall within the protective ambit of fundamental rights. The constitutional jurisdiction under Article 199 cannot be invoked to enforce a lapsed service privilege after cessation of service.

8. Once the petitioner was dismissed, his entitlement to retain the quarter was extinguished. The competent authority was fully empowered to cancel the allotment and re-allot the quarter to another eligible employee. The petitioner's investment in renovation, even if true, does not create any proprietary or enforceable legal right in government property.

9. The petitioner has failed to demonstrate any violation of fundamental rights or any jurisdictional defect in the impugned order. The petition is devoid of merit and not maintainable.

10. For the foregoing reasons, this petition is **dismissed** in *limine* along with pending miscellaneous application (s). No order as to costs.

JUDGE

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