

**IN THE HIGH COURT OF SINDH, KARACHI**

**Constitutional Petition No.D-5772 of 2023**

*[Imtiaz Ahmed Bhatti versus Government of Sindh and others]*

Before:

**Justice Muhammad Karim Khan Agha**

**Justice Adnan-ul-Karim Memon**

Mr. Rashid Mahar advocate for the petitioner  
 Mr. Ali Safdar Depar, Assistant AG  
 Mr. Nasrullah Korai advocate for respondent No.6  
 Mr. Amanullah Qazi advocate and  
 Mr. Gulsher advocate  
 Mr. Bilawal Abro, Additional Secretary, General Admin.  
 Mr. Muhammad Faraz Qureshi, Section Officer, Estate, SGA&CD  
 Mr. Ghulam Nabi, Sub-Engineer, Estate Office

**Date of hearing & Judgment: 15.10.2025**

**J U D G M E N T**

**Muhammad Karim Khan Agha, J.** Petitioner has filed this  
 Constitutional Petition with the following prayer(s): -

- (a) *Direct Respondents 1 & 2 to cancel the allotment of Bungalow No.12 in GOR Bath Island given to Respondent No 6, in violation of the Rules of the Allotment Policy.*
- (b) *Declare that the Petitioner has right of allotment as per entitlement as well as on the basis of seniority, and direct Respondents 1 and 2 to allot Bungalow No. 12 in GOR Bath Island and immediately hand over its possession to the Petitioner.*
- (c) *Direct Respondents 1 & 2 to cancel all allotments that are made by violating the Rules of the Allotment Policy and make allotments on the principle of first come first served basis provided in the rules.*
- (d) *Direct Respondents 1 and 2 to prepare a transparent and merit-based waiting list of applicants for government accommodations and make all future housing allotments strictly based on rules without resorting to pick and choose and without using government housing as a tool of favouritism.*
- (e) *Direct Respondents No. 1, 2 and 3 to immediately create an online "Notifications Register" where they upload all the notifications and official orders they issue, including those of allotment of official residences and transfers and postings, within 24 hours of their issuance.*
- (f) *Direct Respondents No. 1, 2 and 7 to immediately create an online "Residential Allotment Register," to be placed on the government of Sindh website, where they will put for the information of public existing situation of allotment of official residences, the waiting list for allotments with unique ID codes for each applicant and all orders issued in regarding allotments of official residences, their cancellations, etc.*
- (g) *Direct Respondents 1, 3, 4 and 5 to cancel allotments of those who retain dual allotment of official residence in Karachi and in Islamabad and other provinces and take legal action against them,*

*as well as charge rent at market rate from those who keep dual government official residences.*

*(h) Declare that Rule No. 22 of the Allotment Policy (as amended vide Notification dated 8/12/2009), whereby the Federal Government officials can retain a residence after their transfer for five years, even though most of those in BS-22 can never be posted back, is unconstitutional as it infringes the rights of other eligible officials.*

2. The Petitioner is a commissioned officer of the Ex-PCS cadre, serving in BPS-20 as Special Secretary Culture, Tourism, Antiquities & Archives Department, Government of Sindh. He holds a PhD in Public Policy, Public Budgeting & Finance from GWU as a Fulbright Scholar, MSc in Development & Planning from UCL, and an advanced course in Behavioural Public Policy from Harvard Kennedy School. Petitioner submitted that the Respondent No. 6, a PAS officer promoted to BS-20 on 14.12.2022, six months junior to the Petitioner was unlawfully allotted Bungalow No. 2, GOR Collector's Lane, Karachi, while still in BS-19, and later, Bungalow No. 12, GOR Bath Island, violating the Allotment Policy. He submitted that he duly applied for allotment after his promotion and filed an appeal to the Chief Minister Sindh against the illegal allotment to Respondent No. 6. He added that despite this Court's earlier direction in CP No. D-2881/2020 to allot him accommodation per entitlement, the Petitioner continues in a BS-18 flat. Conversely, Respondent No. 6 received two successive bungalows out of turn and in anticipation of future vacancy, in blatant violation of rules. He submitted that several officers transferred to Islamabad or other provinces unlawfully retain Karachi residences while securing new ones elsewhere, with the connivance of Respondents No. 1, 2, and 5. He emphasized that this practice contravenes Rule 22 of the Allotment Policy, enabling dual allotments and depriving eligible officers. Such conduct is discriminatory, non-transparent, and unconstitutional.

3. Learned counsel for the petitioner argued that the respondent No.2 has violated the Allotment Policy and prior court directions by making arbitrary allotments. He argued that Merit and seniority principles have been ignored, and lists of eligible officers are concealed. The Petitioner, though senior, has been discriminated against in favour of a junior officer. He next argued that Respondents 1 & 2 have allotted residences to favorites and ignored deserving officers. He further argued that Lack of transparency, public disclosure, and adherence to rules violates Articles 19-A and 25 of the Constitution. He prayed to allow the petition.

4. Learned counsel for Respondent No.6, Mr. Nasrullah Korai, assisted by Mr. Amanullah, opposed the petition on the grounds that the petition is not maintainable, as it misconceives the Allotment Policy of Government

Accommodation for Secretaries and seeks relief beyond its scope; that the Petitioner has not shown grievance against any specific order. Alleged violations of fundamental rights under Articles 9 and 27 of the constitution are vague, unsubstantiated, and unsupported by evidence. They submitted that the Petitioner approached the Court with unclean hands, bypassing due process under Rule 9; entitlement is based on seniority, which he has not established over Respondent No.6. They argued that the Courts cannot interfere in executive matters like allotment of official residences, which are administrative functions, governed by policy and availability; that the Petitioner already occupies DS Flat No. 2, Bath Island, allotted under CP No. 2881/2020, and cannot displace a senior officer of a superior cadre (Respondent No.6). They submitted that being of the Ex-PCS cadre, the Petitioner cannot claim parity with PAS officers; entitlement and seniority are considered within the same cadre only. The petition concerns GOR-I residences, whereas Bungalow No.2, Collector's Lane (GOR-III) allotted to Respondent No.6 is outside this scope. Bungalow No.12 was lawfully allotted to Respondent No.6 under Paragraph 16 of the Allotment Policy, granting Secretaries preferential rights. In view of the above submissions they prayed to dismiss the petition being legally untenable and may be dismissed. In support of his contentions, learned counsel for respondent No.6 has relied upon the cases of Allies Book Corporation v. Sultan Ahmed (2006 SCMR 152), Bambino (Pvt.) Ltd. v. Government of Sindh (2002 MLD 1673), Muhammad Anwar v. Muhammad Ahmed (2007 SCMR 1961), Bahadur v. Umar Hayat (PLD 1993 Lahore 390), Amanat Rasul v. Federation of Pakistan (2025 PLC (C.S.) 262), Tariq Jamal v. Provincial Government (2023 PLC (C.S.) 1308), Amanat Ali v. Sessions Judge, Islamabad (2008 P.Cr.L.J. 687), Salahuddin v. Province of Sindh (PLD 2025 Sindh 138) and Suhail Printing Press v. Aley Eba Zaidi (2005 SCMR 882).

5. Learned AAG submitted that under the Allotment Policy, any officer of the rank of Secretary, Additional Secretary, or Deputy Secretary whose cadre post exists under SGA&CD, upon transfer out of Sindh, may retain allotted accommodation, other than a designated house, for five years or until provided accommodation at the new station, whichever is earlier, provided the officer's family continues to reside therein. He emphasized that the Petitioner was allotted Deputy Secretary Flat No.2, GOR-I, Bath Island, Karachi on 27.10.2020, located on the ground floor and allotted as per his convenience. He did not raise any written grievance regarding entitlement until 02.09.2022. However, upon receiving his request, Bungalow No.20, GOR-I, Bath Island, Karachi was reserved in his favour, and he was informed that possession would be handed over once vacated. He further submitted that Respondent No.6 was earlier allotted Bungalow No.2, Collector's Lane, which he later vacated, where after it was allotted to Mr. Muhammad Nawaz Soho. Subsequently, Bungalow No.12, GOR-I,

Bath Island, vacated by Mr. Asif Hyder Shah, was allotted to Respondent No.6 in accordance with policy. He argued that the Bungalow No.13, Bath Island stands allotted to Mr. Khalid Mehmood Shaikh (Ex-PCS) since 31.05.2023, and the Petitioner never applied for that accommodation. He added that the General Administration Wing, SGA&CD allocates government residences strictly per the Allotment Policy, 1999. The Petitioner's allegations are unsupported by evidence and, therefore, hold no legal validity. However, the Petitioner continues to occupy a prime residence in Bath Island since 2020, and another bungalow (No.20) has already been reserved in his favour. Hence, no further accommodation can be allotted to him at this stage. It is also submitted that available government residences are fewer than the number of eligible officers, and thus not every officer can be immediately accommodated as per entitlement. In view of the above, submissions, he prayed that this Constitutional Petition is not maintainable in law and may kindly be dismissed as misconceived and beyond the scope of the existing Allotment Policy.

6. We have heard the learned counsel for the parties and perused the record with their assistance.

7. In essence, the petitioner seeks directions from the Government of Sindh through a writ of Mandamus under Article 199 of the Constitution, requesting the Court to cancel unlawful allotments such as Bungalow No.12 and other dual allotments, and to ensure transparent, merit-based allocation of government housing, including the establishment of online registers and revision of existing policies. The petitioner essentially asks the Court to compel government authorities to act in accordance with the rules and policies and to rectify administrative irregularities. Furthermore, the petition invokes fundamental rights under Articles 4, 9, 25, and 27 of the Constitution asserting entitlement and protection against discrimination. The petitioner claims a legal right to government accommodation based on seniority and entitlement under the Allotment Policy.

8. Based on the facts presented and the prevailing accommodation Policy, this Court has consistently emphasized the importance of adhering to established policies and procedures in matters related to government accommodation allotment. In the case of *Zakia Naz v. Province of Sindh* (Constitutional Petition No. D-4932 of 2020), this Court observed that the petitioners failed to demonstrate any vested fundamental right to continue occupying official accommodation beyond their entitlement, highlighting the necessity for strict compliance with the accommodation policy. Furthermore, the Supreme Court's decision in *Government of Sindh v. Dr. Nadeem Rizvi* (2020 SCMR 1) reinforced the principle that judicial intervention in executive matters, such as the allotment

of government accommodations, is permissible only when there is a clear violation of fundamental rights. The petitioner has not provided sufficient evidence to substantiate claims of such violations. Additionally, the doctrine of separation of powers dictates that the judiciary should refrain from interfering in administrative functions unless there is a manifest breach of constitutional rights. The Supreme Court in another case addressed the entitlement of government servants to retain official accommodation after retirement. It ruled that the spouse or children of a deceased or retired government servant could be allotted the same accommodation, provided they are eligible and the accommodation is not of a higher category than what the deceased or retired official was entitled to.

9. In the present case, the petitioner has not challenged any specific order, and his claims of violation of fundamental rights under Articles 9 and 27 are unsubstantiated. He bypassed Rule 9, failed to provide evidence of seniority over Respondent No. 6, and already occupies DS Flat No. 2, Bath Island, allotted under CP No. 2881/2020, with Bungalow No. 20 reserved in his favor. Demanding additional accommodation or replacement is therefore unsustainable. Judicial intervention in executive matters like government allotments is limited. Being Ex-PCS, the petitioner cannot claim parity with PAS officers, and his claim pertains to GOR-I, whereas Respondent No.6's Bungalow is in Collector's Lane (GOR-III). All allotments, including Bungalow No.12 to Respondent No.6, comply with Paragraph 16 of the Allotment Policy, granting preferential rights to Secretaries. Since the petitioner has no legal entitlement to the requested bungalow, relief cannot be granted.

10. As regards the petitioner's request to direct Respondents No.1, 2, 3, and 7 to immediately establish online "Notifications Register" and "Residential Allotment Register", these matters are purely administrative in nature. The implementation of such systems falls within the executive's discretion, and this Court is generally reluctant to intervene in the absence of a clear legal or constitutional mandate, which the petitioner has failed to demonstrate. Furthermore, the petitioner has not established any fundamental right requiring the government to implement these registers without delay. Regarding the petitioner's cadre, he belongs to the Ex-PCS cadre, which is entirely distinct from the PAS cadre. Under the Allotment Policy, as pointed out, entitlement and seniority are determined within the same cadre. Accordingly, the petitioner cannot claim parity with PAS officers and is not legally entitled to claim Bungalow No. 12 or any other accommodation reserved for PAS officers as matter of right, in presence of available accommodation.

11. At this stage learned AAG pointed out the letter dated 11.8.2025 for the aforesaid purpose, be that as it may, if the petitioner is found entitled to the

claimed accommodation, the competent authority shall examine the matter of the petitioner in accordance with the law and policy and letter dated 11.08.2025 regarding taking over possession from the former occupant, which shall adequately address his claim.

12. In light of these considerations, this petition is found to be misconceived and is dismissed due to its lack of legal merit and failure to establish a prima facie case for judicial intervention.

**HEAD OF CONST. BENCHES**

**JUDGE**