

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

Constitutional Petition No. D-136 of 2026  
(Shoaib Ahmed Butt versus Federation of Pakistan & others)

Date	Order with signature of Judge
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Mr. Justice Adnan-ul-Karim Memon  
Mr. Justice Zulfiqar Ali Sangi

**Date of hearing and order: 16.2.2026**

Chaudhry Sajjad Ali advocate for the petitioner  
Ms. Wajiha Mehdi, Assistant Attorney General  
Mr. Sajid Ali, Assistant Director (Legal), Pakistan Railways  
Ms. Uzma Faheem, Deputy Director, Property and Land, Pakistan Railways  
M/s Abdul Razzaq and Asif Amin advocate for respondent No.7

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**ORDER**

**Adnan-ul-Karim Memon, J.** – Petitioner has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer: -

- a) *Declare that the Petitioner is the lawful, entitled, and bona fide allottee and occupant of the suit property/quarter, viz. Railway Quarter No. A, Block No.73, Railway Colony, I.I. Chundrigar Road, Karachi, and that the Petitioner is entitled to continue his occupation thereof in accordance with law and the prevailing rules and policies of Pakistan Railways.*
- b) *Declare that Notification bearing No.4-T/Q.A/ALLOTMENT/2022-23 dated 28.09.2023, issued by the Respondents, is valid, whereby the allotment of the suit property/quarter, viz. Railway Quarter No. A, Block No.73, Railway Colony, I.I. Chundrigar Road, Karachi, in favor of the Petitioner and subsequently re-allotted to a third person, is illegal, unlawful, arbitrary, void ab initio, without lawful authority, and of no legal effect, and liable to be set aside.*
- c) *Cancel and set aside the aforesaid Notification No.803-E/ALLOTMENT/QTR/GEN/ADMIN/P-1 dated 05.08.2025, along with all consequential actions, and impugned orders letter dated 12.12.2025 & 09.01.2026 along with all proceedings taken pursuant thereto, including the re-allotment of the suit property/quarter to any third party.*
- d) *Grant a permanent injunction restraining the Respondents, their subordinates, agents, servants, representatives, and any person claiming through or under them from forcibly dispossessing the Petitioner from the suit property, viz. Railway Quarter No. A, Block No.73, Railway Colony, I.I. Chundrigar Road, Karachi, in any manner whatsoever except in due course of law.*
- e) *Grant a permanent injunction restraining the Respondents from creating any third-party interest, alienating, transferring, re-allotting, or otherwise dealing with the suit property in any manner prejudicial to the lawful rights and interests of the Petitioner.*

2. It is the case of the petitioner that he is presently serving in Pakistan Railways, having been appointed under the Invalidation Policy after his father, namely Mr. Saleem Ahmed Butt, a former employee of Pakistan Railways, was declared medically unfit and discharged from service by the competent Medical Board. He submits that consequent upon such appointment, he was lawfully allotted Railway Quarter No. A, Block No. 73, Railway Colony, II Chandrigar

Road, Karachi, by the competent authority on 28.03.2023, wherein he has since been residing peacefully while regularly paying the requisite rent and charges, without any violation of allotment conditions. However, all of a sudden, the respondents issued the Notification dated 05.08.2025, along with the impugned office order letters dated 12.12.2025 and 09.01.2026, which are liable to be cancelled and set aside.

3. The learned counsel for the petitioner submits that the cancellation of the said allotment vide Notification dated 05.08.2025, followed by issuance of vacation notices dated 12.12.2025 and 09.01.2026 without affording any opportunity of hearing, is arbitrary, unlawful, and violative of Articles 4, 10-A, and 25 of the Constitution of the Islamic Republic of Pakistan, 1973. He submits that the reallocation of the said quarter to a third party during the Petitioner's lawful possession is mala fide and without lawful authority. It is further argued that the Petitioner's father is seriously ill and bedridden, requiring constant care, and any forcible dispossession without due process of law would amount to infringement of the Petitioner's fundamental rights. He lastly submits that no alternate efficacious remedy is available to the Petitioner; therefore, the instant petition is maintainable under Article 199 of the Constitution. He prayed to allow this petition.

4. Conversely, learned Assistant Attorney General (AAG) assisted by the counsel for the Pakistan railways submits that the instant petition is not maintainable in view of concealment of material facts, as the Petitioner had earlier filed a complaint before the Federal Ombudsman as well as Civil Suit No. 11697/2025 before the learned Senior Civil Judge, Karachi South, on the same cause of action and for identical relief, which fact has not been disclosed in the present petition. She further submits that the Petitioner, being a contract employee in BPS-05 with less than five years of regular service, is not entitled to retention or allotment of official accommodation under the applicable Accommodation Policy, 2019. It is contended that the allotment in favour of the Petitioner was made erroneously and was lawfully cancelled by the competent authority in accordance with Section 21 of the General Clauses Act, 1897, which empowers the authority to amend, vary, or rescind its earlier order. Learned counsel submits that the Petitioner was afforded due opportunity of hearing and had himself undertaken to vacate the premises by signing the handing/taking over document dated 26.04.2025; however, he failed to comply with the same and has since been in illegal occupation of the quarter despite repeated vacation notices. She lastly submits that the matter involves disputed questions of fact and availability of alternative remedies; hence, the petition is liable to be dismissed.

5. In view of the foregoing facts and submissions made by the learned counsel for the parties, it appears that the controversy in the present Constitutional Petition primarily revolves around the cancellation of allotment of official accommodation granted to the Petitioner during his service with Pakistan Railways under the Invalidation Policy.

6. It is an admitted position that the Petitioner was allotted Railway Quarter No. A, Block No.73, Railway Colony, I.I. Chundrigar Road, Karachi, by the competent authority on 28.03.2023 and remained in possession thereof pursuant to such allotment. It is equally a matter of record that the said allotment was subsequently cancelled vide Notification dated 05.08.2025, followed by issuance of vacation notices dated 12.12.2025 and 09.01.2026.

7. Although the Respondents have contended that the Petitioner, being a BPS-05 employee having less than the requisite length of service, being contract employee was/is not entitled to retention of the subject accommodation under the Accommodation Policy, 2019, and that the initial allotment was made erroneously and therefore rescinded in exercise of powers under Section 21 of the General Clauses Act, 1897, nevertheless, it cannot be overlooked that the Petitioner was placed in occupation of the premises through an official act of the competent authority and has continued to reside therein along with his ailing father and cancellation of the such allotment and handing over to the third party/private respondent without accommodating the petitioner as per his entitlement is harsh decision on the part of the respondents.

8. Even otherwise, assuming that the subject quarter falls within the category of accommodation meant for officers of a higher grade and is therefore not suitable or allocable to the Petitioner under the applicable policy, the Respondents, being a public functionary, are obligated to act fairly, reasonably, and in accordance with law. The Petitioner cannot be rendered shelterless solely on account of an administrative error attributable to the Respondents themselves, particularly when his initial induction in service was made under the Invalidation Policy consequent upon the medical discharge of his father from service of Pakistan Railways.

9. In these circumstances, while the Respondents may be justified in reviewing or cancelling the allotment of an accommodation which is beyond the entitlement of the Petitioner under the policy, the principles of fairness and legitimate expectation demand that the Petitioner be accommodated in an alternative official residence strictly in accordance with his entitlement, subject to availability, before seeking to dispossess him from the presently occupied premises.

10. Accordingly, it is held that the Respondents may proceed in accordance with law regarding the subject accommodation if the same is not allocable to the Petitioner under the Accommodation Policy applicable to his service cadre; However, the Petitioner shall not be dispossessed from the presently occupied quarter except after being considered for and, if available, allotted alternate official accommodation commensurate with his entitlement under the relevant policy; In case no such alternate accommodation is presently available, the Petitioner shall be allowed reasonable time/three months to retain possession of the subject premises until suitable accommodation is provided in accordance with the rule and /or he may obtain private accommodation in the intervening period, which is subject to all just exceptions as provided under the law. however this observation is tentative and shall not prejudice the case of either party.

11. Without touching the merits of the case, the captioned Petition, along with pending application(s), stands disposed of in the above terms.

JUDGE

JUDGE