

**IN HIGH COURT OF SINDH, CIRCUIT COURT
HYDERABAD**

C.P. No.D-55 of 2026

[Ishfaqe Ahmed v. Province of Sindh & others]

Before:

Mr. Justice Arbab Ali Hakro

Mr. Justice Riazat Ali Sahar

Petitioner : Ishfaqe Ahmed through Mr. Ghulam Murtaza Shaikh, Advocate.

Respondents No.1to6 : Province of Sindh and others through Mr. Muhammad Ismail Bhutto, Additional Advocate General, Sindh and Ms. Maliha Soomro Assistant Director Legal on behalf of respondent No.3.

Respondent No.7 : Ghulam Nabi Buledi through Mr.Sajjad Ali Rind, Advocate.

Date of Hearing : **26.02.2026**

Date of Decision : **26.02.2026**

JUDGMENT

RIAZAT ALI SAHAR. J. - Through this petition, the petitioner is seeking following reliefs:-

- a. Direct the official respondents to take over the possession of the Quarter No.DC-07 situated at Residential Colony of Regional Directorate of College Hyderabad and handover the same to the petitioner vide allotment order 30-7-2025.*
- b. Direct the respondents to recover rent amount from the retirement benefits of the respondent No.7 of the possession period.*
- c. Cost of the petition and any other relief(s) that this Hon'ble Court may deem fit and proper under the special circumstances of the matter.*

2. In the instant petition, the petitioner has stated that he is serving as Assistant Director Inspection (BPS-17) and is presently posted at the Regional Directorate, Hyderabad, vide notification dated 26.11.2024, pursuant to which he assumed charge and has been performing his duties. Quarter No. DC-07, situated in the Residential Colony of the Regional

Directorate of Colleges, Hyderabad, was allotted to him on 30.07.2025. Previously, the said quarter had been allotted to respondent No.7, Ghulam Nabi Buledi, Associate Professor, who retired on 12.06.2025 upon attaining the age of superannuation. Prior to his retirement, a notice dated 26.05.2025 was issued to him for vacation of the government accommodation, followed by a reminder dated 18.07.2025; however, he failed to hand over possession. Subsequently, the Assistant Commissioner and Mukhtiarkar City issued a notice dated 02.09.2025 for eviction of unauthorized occupation. The petitioner has stated that Government policy dated 11.01.2024 mandates that a retired employee must vacate official accommodation within ninety days of retirement; however, despite retirement and expiry of the stipulated period, respondent No.7 continues to occupy the quarter, although rent is being deducted from the petitioner's salary after lawful allotment in his favour. Respondent No.7 also instituted F.C. Suit No.1305 of 2025 before the learned 1st Senior Civil Judge, Hyderabad, which was returned on 27.09.2025 for presentation before the proper forum and an appeal thereagainst is stated to be pending. The petitioner stated that such litigation is frivolous and that he has no other adequate or efficacious remedy except to invoke constitutional jurisdiction for redressal of his grievance.

3. Pursuant to Court notice, respondents No.1 to 3, particularly Respondent No.3 (Regional Director Colleges, Hyderabad Region), submitted that they have acted strictly in accordance with the Policy Governing the Allotment of Residential Bungalows, Quarters and Hostels of the College Education Department, Government of Sindh. It is stated that upon the retirement of Respondent No.7, the allotment of the government residence automatically stood cancelled under the applicable rules, rendering his continued occupation unauthorized. The department issued timely notices and reminders for vacation of the quarter, escalated the matter to higher authorities and sought intervention from the Deputy Commissioner for eviction through lawful means. It is also stated that no *mala fide* or negligence can be attributed to the them, as they proceeded strictly through administrative and judicial channels without resorting to force. They undertake to comply with any further directions of this Court and seek permission to continue lawful steps for recovery of possession.

4. Respondent No.7 has also filed written objections denying the petitioner's claim and stating that he was allotted Quarter No.1 in the year

2003, which, according to him, falls under the School Education & Literacy Department and not the College Education Department. He stated that after his retirement, an application was moved for fresh allotment of the same quarter in favour of his daughter, who is serving as a School Teacher (BPS-14) and that the matter is under consideration by the competent authority. He alleges *mala fide*, collusion and unlawful interference by the petitioner and official respondents, including alleged forcible entry and harassment of his family, for which he claims to have sought medical treatment and initiated legal proceedings. Respondent No.7 stated that the litigation initiated by him is lawful and pending before competent courts and that the present petition is based on concealment of material facts and is not maintainable. He prays for dismissal of the petition with costs.

5. Learned counsel for the petitioner contends that the petitioner, being a lawful allottee of subject Quarter is entitled to immediate possession thereof. He contends that Respondent No.7 retired on 12.06.2025 and under the Government policy dated 11.01.2024 was bound to vacate the official accommodation within ninety days, yet he continues in unauthorized occupation. He contends that although Respondent No.7 instituted F.C. Suit No.1305 of 2025, the plaint was returned by the learned Civil Court for want of jurisdiction and no injunctive order has been granted in his favour; however, despite absence of any restraining order, the official respondents have failed to enforce the policy and recover possession. He further contends that rent is being deducted from the petitioner's salary without delivery of possession, which is arbitrary and unlawful. Learned counsel also contends that the pending appeal does not create any legal bar and the inaction of the department warrants direction from this Court for enforcement of law and restoration of possession to the petitioner.

6. Learned Additional Advocate General, Sindh, appearing for Respondents No.1 to 7 duly assisted by the Assitant Director (Legal) on behlaf of respondent No.3, contends that the department has acted strictly in accordance with law and policy governing government accommodation. He contends that multiple notices were issued to Respondent No.7 after his retirement and the matter was escalated to the Deputy Commissioner for lawful eviction proceedings. The learned A.A.G. contends that the department cannot resort to forcible dispossession and must proceed through due process of law. He, however, assures the Court that lawful

steps shall continue for recovery of the quarter in accordance with applicable rules. Assitant Director (Legal) appearing on behalf of respondent No.3 further added that they have taken efforts to get vacated the subject Quarter; however, the respondent No.7 does not intend to vacate the same. She further adds that although the department has writte letters to the Deputy Commissioner, Hyderabad for assitance but still no response has been given by the Deputy Commissioner Hyderabad.

7. Learned counsel for Respondent No.7 contends that the petitioner has concealed material facts and that the quarter in occupation of Respondent No.7 is Quarter No.1, allegedly falling under the School Education & Literacy Department and not the quarter claimed by the petitioner. He contends that Respondent No.7 was originally allotted the said quarter in 2003 and upon retirement, an application has been moved for fresh allotment in favour of his daughter, who is a serving School Teacher. He further contendsthat the matter is sub judice before the competent appellate forum and cannot be prejudged in constitutional jurisdiction. He contends that Respondent No.7 has not acted unlawfully and that the departmental authorities are attempting to dispossess him without proper verification. Learned counsel prays for dismissal of the petition.

8. We have heard learned counsel for the parties and perused the material available on record. It is an admitted position that Respondent No.7 retired from service on 12.06.2025 upon attaining the age of superannuation. It is further an admitted fact that the subject quarter, i.e. Quarter No. DC-07 situated at the Residential Colony of the Regional Directorate of Colleges, Hyderabad, was thereafter allotted to the petitioner vide allotment order dated 30.07.2025.

9. In terms of the Policy/Notification dated 11.01.2024 issued by the Government of Sindh, College Education Department, Karachi, particularly General Instruction No. xiii, a retired employee is under a mandatory obligation to vacate the official Bungalow/Quarter/Hostel within ninety (90) days from the date of retirement. The retirement of Respondent No.7 on 12.06.2025 is not disputed. The stipulated period of ninety days has already expired, yet Respondent No.7 continues to occupy the premises without any lawful authority. No fresh allotment order in favour of his daughter has been placed on record nor has any injunctive order been shown whereby Respondent No.7 has been protected by a

competent court of law. Mere pendency of litigation does not confer any right to retain possession of government accommodation after cancellation of allotment by operation of law. The stance of the official respondents demonstrates that notices were issued and the matter was referred to the Deputy Commissioner for eviction; however, administrative inaction cannot defeat the lawful right of the petitioner, who is a valid allottee. Once the allotment in favour of Respondent No.7 stood automatically cancelled upon his retirement and expiry of the grace period, his occupation became unauthorized. The petitioner, being a serving officer and lawful allottee, cannot be deprived of possession while rent is simultaneously deducted from his salary. Such a situation is manifestly arbitrary and contrary to law and policy. The objection raised by Respondent No.7 regarding alleged jurisdictional issues or pendency of appeal is of no assistance in absence of any restraining order. Government accommodation is not a vested right and must be vacated strictly in accordance with policy. Retention beyond the permissible period amounts to unauthorized occupation.

10. For what has been discussed above, this petition is **allowed**. Respondent No.3 (Regional Director Colleges, Hyderabad Region) is directed to take immediate steps to secure vacant possession of Quarter No. DC-07 from Respondent No.7 strictly in accordance with law. For this purpose, the Senior Superintendent of Police, Hyderabad, is directed to provide adequate and proper police force to Respondent No.3 to ensure peaceful eviction and delivery of vacant possession of the subject quarter to the petitioner. The entire exercise shall be completed within fifteen (15) days from the date of receipt of a certified copy of this order.

11. Needless to observe that any rent or charges recoverable for the period of unauthorized occupation may be proceeded with by the competent authority in accordance with law.

12. The petition stands **allowed** in the above terms.

JUDGE

JUDGE