

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

C. P. No. D-6877 / 2018

ORDER WITH THE SIGNATURE OF THE JUDGE

For orders as to maintainability of petition.

Mr. Muhammad Arif, Advocate for the Petitioner.

29.10.2018

The present petitioner was an employee of Plant Protection Department, Government of Pakistan, and he retired from service in the year 1989. Notwithstanding his retirement, the petitioner remains in possession of government accommodation, occupancy whereof was allotted to him while he was in service. Present petition was filed assailing the final notice of vacation, dated 27.08.2018, issued thereto.

2. On the last date of hearing, learned counsel for the petitioner was put on notice to satisfy this Court about maintainability of the present petition in view of judgment dated 16.07.2018 rendered by a Divisional Bench of this Court in the case of *Muhammad Tariq Qasmi vs. Federation of Pakistan & Others* being CP No. D-2110 of 2009 ("**Tariq Qasmi**").

3. *Tariq Qasmi*, inter-alia, elucidated that persons seeking to remain in occupation of government accommodation were required to demonstrate the tenability of their subsisting rights in such regard. It is clear from the said judgment that the writ jurisdiction of this Court could not be invoked to sustain occupation of government accommodation in the absence of any demonstrable right to be able to do so. The ratio of the aforesaid judgment was also followed in the subsequent Division Bench judgment dated 30.08.2018 in the case of *Saqib Ali Shaikh vs.*

Government of Sindh and Others being CP No. D-5329/2018 (“**Saqib Ali Shaikh**”).

4. Today, learned counsel for the petitioner argued the present petition on the question of maintainability and was unable to demonstrate any right whereby his continued occupation of government accommodation could be sustained, almost 30 years past his retirement. Learned counsel was also unable to justify maintaining the present petition and seeking suspension / setting aside of eviction notices, in the absence of any demonstrable entitlement to his continued occupation of the government premises. The case of the present petitioner also appears covered by the judgments in *Tariq Qasmi* and *Saqib Ali Shaikh* and in mutatis mutandis application of the ratio enunciated therein, the present petition, being devoid of merit, is hereby dismissed, alongwith pending application, with no order as to costs.

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