

IN THE HIGH COURT OF SINDH KARACHI

Present:

Mr. Justice Adnan Iqbal Chaudhry
Mr. Justice Abdul Mobeen Lakho

C.P. No. D-1439 of 2023

[Nisar Ahmed v. Province of Sindh & others]

Petitioner : Nisar Ahmed son of Abdul Jabbar Khan Tanoli is present in person.

Respondents 1-3 : Province of Sindh & 02 others through Mr. Kafeel Ahmed Abbasi, Additional Advocate General, Sindh along with DSP Ayaz Rajpar (on behalf of AIGP) and PI Ali Raza (on behalf of SSP Korangi).

Intervenor : Ayaz Hussain son of Sahib Dino through Mr. Muhammad Yousif Buriro, Advocate.

Date of hearing : 01-11-2024

Date of decision : 01-11-2024

ORDER

Adnan Iqbal Chaudhry J. - The Petitioner, a Sub-Inspector in the Sindh Police, applied for LPR upon 25 years of qualifying service. Same was granted up-till 10.03.2023 and Retirement Order was issued on 09.03.2022. At such time, the Petitioner was in occupation of Government Quarter No.03, Flat 'G' type, Block 'C', Saudabad P.S. Family Police Lines, Malir, Karachi. Consequent to his retirement and expiry of retention period of the Quarter, the allotment of said Quarter was cancelled by the Department vide order dated 08.02.2023 and allotted to the Intervenor. On 16.03.2023 the Petitioner filed this petition with the prayer that the IGP Sindh be directed to re-employ the Petitioner into service, and the Department may be directed to re-allot the Quarter to him.

Apparently, the prayer for re-employment has been made essentially to retain Government accommodation. Section 14 of the

Sindh Civil Servants Act, 1973 prohibits re-employment of a retired civil servant unless it is “necessary in the public interest”. In the *Contempt Proceedings against the Chief Secretary* [2013 SCMR 1752], while declaring sub-section (3) of section 14 of the Act as *ultra vires* the Constitution of Pakistan, the Supreme Court observed that re-employment under sub-sections (1) and (2) of section 14 was envisaged in compelling circumstances and in the public interest and not otherwise. In other words, a retired civil servant has no right to seek re-employment. Therefore, the prayer for re-employment is misconceived. As a consequence, the Petitioner also has no right to Government accommodation. The petition is therefore dismissed.

JUDGE

JUDGE

*PA/SADAM