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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
C. P. No.D-1186 of 2015

Date of Hearing	ORDER WITH SIGNATURE OF JUDGE
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12.10.2017.

1. For orders on office objections.
2. For orders on M. A. No.5836/2017.
3. For orders on M. A. No.5073/2015.
4. For orders on M. A. No.5837/2017.
5. For orders on M. A. No.5074/2015.
6. For hearing of main case.

Mr. Sarfraz Ali M. Abbasi, advocate for respondent No.2.

1. Deferred.
- 2 & 3. Granted subject to exceptions.
- 4, 5 & 6. None present for the petitioner, whereas this petition was filed in the year 2015 and was never fixed in Court. Office to explain as to why from 2015 this petition was never fixed before the Court.

Through this petition, the petitioner seeks the following prayers:-

- a) *This Honourable Court may be pleased to direct the respondents not to dispossess and eject the petitioner from the residential house/quarter bearing No.B-44, situated at CMC Staff Colony, Larkana, till decision on his application dated 28.8.2015 for extension of his re-employment on contract basis;*
- b) *to restrain the respondent No.3 from dispossessing the petitioner from the residential house/quarter No.B-44, situated at CMC Staff Colony, Larkana, forcibly and illegally under the influence and at the behest of respondents No.1 and 2, without due course of law;*

From the memo of petition it reflects that after his retirement the petitioner was given an extension for six months through office order dated 20.09.2013 and admittedly the said period stood expired. Thereafter, the contract was extended for 2 periods, each of 6 months, vide letters dated 07.4.2014 and 22.02.2015 upto 29.3.2015.

(2)

Thereafter, after 5 months of expiry of contract another application for extension was made on 28.8.2015. However, no such extension was granted and subsequently on 13.10.2015 instant petition was filed and the prayer in this matter is only to the extent that he may not be dispossessed from the quarter allotted to him during his service pending decision on his application for extension of contract. It further appears that the said quarter has already been allotted to respondent No.2 but just because of pendency and filing of this petition the possession has not been taken over from the petitioner and has also not been handed over consequently to respondent No.2. At the very outset, we are of the view that there appears to be no *locus standi* for the petitioner to retain the possession of the quarter after his retirement from service except the grace period of 06 months as provided in Rule 15(2) of Accommodation Allocation Rules 2002. However, he stayed there during his contract period and even such period already stands expired on 29.3.2015.

In the circumstances, the prayer so made in this petition cannot be granted. Accordingly, instant petition being misconceived in facts and law is hereby dismissed along with pending applications, with directions to the official respondents to take over possession of the quarter and to act further on their own allotment of the same to respondent No.2.

