

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

**C.P No. D-806 of 2025**

[Muhammad Yousuf v. Federation of Pakistan & Others]

**Before:**

**Mr. Justice Arbab Ali Hakro**

**Mr. Justice Riazat Ali Sahar**

Petitioner : Muhammad Yousuf through  
Syed Abid Ali Shah, Advocate.

Respondents : Nil.

Date of Hearing : **20.05.2025**

Date of Decision : **20.05.2025**

**ORDER**

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

- A. To direct the respondent No.4 to allot the subject flat viz. Flat No.A-1, (GF) Post Office Colony, Unit NO.9, Latifabad Hyderabad in favour o the petitioner's son who is also serving in postal department in the light of several precedents of the department and general policy in vogue.*
- B. Interim orders solicited whereby directing the respondent No.4 not to compel the petitioner to vacate subject flat directly or indirectly till final decision of the petition as the subject flat is the only shelter for the large family of the petitioner.*
- C. Costs of the petition may be saddled upon the respondents.*
- D. Any other relief(s) which this Honourable Court deems fit, just and proper in favour of the petitioner.*

2. In support of the petition, the petitioner contends that he was serving in the Postal Services Department and, upon reaching the age of superannuation, retired from government service on 02.10.2022. During his service, he was allotted Flat No.A-1 (Ground Floor), Post Office Colony, Unit No. 9, Latifabad, Hyderabad, by the Post Master General, Hyderabad. The petitioner further contends that his son, Muhammad Behzad, was appointed as a Clerk (BPS-09) in the Postal Department on 16.06.2023. Accordingly, the petitioner submitted a request to respondent No.4 for the allotment of the said flat in favour of his son. He contends that it is a common departmental practice and policy that upon the retirement of an official, the accommodation may be allotted to a family member serving in government service. However, no action has been taken on his application. The petitioner further contends that recently, police officials from P.S. B-Section, Latifabad, Hyderabad, came to the premises, behaved in a threatening and inappropriate manner with the women present and demanded that the petitioner vacate the flat immediately. They allegedly warned that failing which the petitioner would be forcibly evicted and his household belongings thrown out. As such, facing with this threat of dispossession, the petitioner has approached this Court seeking the above-stated reliefs.

3. Learned counsel for the petitioner argued that the petitioner has not made a frivolous request but merely seeks enforcement of a consistent departmental practice whereby official accommodation is re-allotted to the serving children of retired employees. He submits that denial of such relief amounts to discrimination and arbitrary treatment in violation of Article 25 of the Constitution. Learned counsel argued that no alternative accommodation has been provided

and that coercive tactics, including police threats, are unjustified and unlawful. He contends that the petitioner's son is a *bona fide* employee entitled to be considered for allotment. Lastly, he argued that inaction on the petitioner's application reflects administrative *mala fide*; as such, the petitioner's family may be protected from imminent dispossession.

4. We have carefully examined the entire record available on file and specifically queried the learned counsel for the petitioner regarding the maintainability of this petition in light of apparent laches. The petitioner admittedly retired from government service on 02.10.2022 and the application for allotment of the government quarter in the name of his son was not submitted until 28.02.2024 i.e. a delay of nearly 17 months. When asked to explain this inordinate delay, learned counsel failed to offer any satisfactory justification for the petitioner's prolonged silence. Especially, even after the said application was allegedly not acted upon, the petitioner remained inactive for more than a year before issuing a legal notice on 07.05.2025 and finally filed the instant petition. The unexplained and unreasonable delay, without any plausible excuse or demonstrated urgency, casts serious doubt on the bona fides of the claim of the petitioner.

5. In view of the foregoing, we are of the considered view that the petition is hit by the principle of laches and is liable to be dismissed on this ground alone. Furthermore, the petitioner has failed to demonstrate any vested right in the continued occupation or transfer of the allotted government accommodation to his son after his own retirement. Even the petitioner has failed to bring on record any regulation,

directive, or obligatory guideline of the Postal Department requiring the allocation of government accommodation to a family member of the retired employee. The claim, thus, is not only unsupported by law but also based on mere departmental practice, which in itself cannot confer an enforceable right. In the absence of any statutory violation, malafide, or breach of a fundamental right, no case for invoking the constitutional jurisdiction of this Court under Article 199 of the Constitution is made out. Accordingly, the petition stands **dismissed in *limine*** along with all pending listed applications.

**JUDGE**

**JUDGE**

\*Abdullahchanna/PS\*