

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI  
Constitutional Petition No. D-154 of 2024  
(*Samina Khursheed versus Government of Pakistan & others*)

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|------|----------------------------------------------------------------------|
| Date | Order with signature of Judge                                        |
|      | Mr. Justice Adnan-ul-Karim Memon<br>Mr. Justice Muhammad Jaffer Raza |

**Date of hearing and decision: 13.8.2026**

Mr. Maroof Hussain Hashmi advocate for the petitioner  
Ms. Wajiha Mehdi, Assistant Attorney General  
Mr. Wahid Bux Jalbani, Assistant Accounts Officer  
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**ORDER**

**Adnan-ul-Karim Memon, J.** Petitioner has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking the following relief: -

- 1. To direct the respondents to pay the amount of Rs.70,00,000/- (Rupees Seventy Lac Only) on account of Assistance Packages to the petitioner.*
- 2. To restrain the respondents from cancelling House No.A-28, Sector C-1, situated near Ghagar Pahatak in District Thatta.*

2. Learned counsel for the petitioner submitted that the petitioner, widow of late Sajid Mumtaz, who died during service on 17.06.2020 while serving as IIIrd Engineer (BPS-17) in Pakistan Navy Dockyard, was entitled to the Prime Minister’s Assistance Package, including payment of Rs.70,00,000/- in lieu of plot. It was contended that the house in question had in fact been allotted to the deceased employee during his lifetime under the Pakistan Navy Welfare Housing Scheme, after payment of the requisite amount by him, and was subsequently transferred in the petitioner’s name after his death. According to learned counsel, the respondents had unlawfully mixed up the allotment of the house with the petitioner’s entitlement to the Assistance Package, despite there being no term or condition whereby receipt of the house disentitled her from the said payment. It was further argued that the relevant letters relied upon by the respondents were neither properly served upon the petitioner nor established that she had voluntarily waived or surrendered her entitlement, and that the respondents had failed to provide any lawful justification for withholding the amount. He prayed to allow this petition.

3. Conversely, learned AAG for respondent No.8 submitted that the petitioner was not entitled to payment in lieu of plot because she had already been allotted a house free of cost by the Pakistan Navy Welfare Housing Scheme after the death of the employee. Reliance was placed upon the Government of Pakistan,

Cabinet Secretariat, Establishment Division O.M. No.8/24/2016-E-2 dated 22.06.2016, whereby payment of money in lieu of plot was made subject to production of a certificate regarding non-allotment of any plot, house or flat by any government agency or department. It was contended that, in view of the allotment of House No.A-28 to the petitioner, she was ineligible for the claimed amount of Rs.70,00,000/-. The AAG further relied upon the letter dated 26.07.2022 issued by the Pakistan Navy Welfare Housing Scheme and the subsequent communication dated 13.02.2024, whereby the petitioner was informed of her alleged ineligibility. On this basis, learned counsel prayed for dismissal of the petition.

4. In rebuttal, learned counsel for the petitioner maintained that the house had not been allotted to her free of cost after the death of her husband, but had originally been allotted to the deceased employee during his lifetime against payment of the prescribed amount, and was merely transferred to the petitioner thereafter. It was therefore argued that the respondents had misconstrued the applicable policy and were wrongly treating the house as a post-death benefit. Learned counsel also disputed proper service of the letters relied upon by respondent No.8 and reiterated that the petitioner's entitlement to the Assistance Package accrued upon the death of her husband in service and could not be defeated by the prior allotment of a house to the deceased employee. Accordingly, the petitioner has sought acceptance of the petition and payment of the claimed Assistance Package.

5. We have heard the learned counsel for the parties and perused the record with their assistance.

6. On the material provided, we have noticed that the Establishment Division clarification dated 22.06.2016 states that a certificate of non-allotment of a plot, house or flat is to be obtained before payment in lieu of plot, and further permits an undertaking that the deceased had not been allotted such property by any Government agency. This is also reflected in an Auditor-General report discussing the same notification.

7. The important distinction, however, is whether House No. A-28 was actually allotted to the deceased during his lifetime against payment, or was allotted free of cost to the petitioner after his death.

8. Prima facie, the matter requires evidence; if the documentary proof establishes in the civil proceedings the former, the respondents' reliance on the house as a benefit obtained by the widow after death becomes legally questionable. Conversely, if the record establishes in the aforesaid proceedings

that the house was allotted to the petitioner as a Government-provided house/benefit after the deceased's death, the express condition of the Assistance Package would directly operate against her claim.

9. There is also a significant point concerning the nature of the Rs.70 lakh benefit. The revised Assistance Package discontinued the old plot-allotment quota and substituted a lump-sum payment in lieu of plot, with Rs.7 million prescribed for BS-17 and above, but subject to the condition that no plot had previously been allotted. Thus, the amount cannot ordinarily be treated as an unconditional vested monetary benefit merely because the employee died in service; its availability remains subject to the conditions of the applicable policy.

10. Accordingly, petitioner has to establish through evidence that the deceased employee himself had already been allotted House No. A-28 during his lifetime under the Pakistan Navy Welfare Housing Scheme, the petitioner's contention that the house was not a post-death allotment would have considerable force. In that situation, the respondents would need to demonstrate that the policy legally treats such prior allotment as disqualifying notwithstanding the fact that it was made against payment by the deceased. On the other hand, if the official also establishes a free allotment of the house to the petitioner after the employee's death, her claim for Rs.70 lakh would be contrary to the express non-allotment condition. In both points requires evidence, to be recorded in civil proceedings as discussed supra.

11. In view of the foregoing discussion, we are of the considered view that the petitioner has failed to establish any constitutional right to claim an amount of Rs.70,00,000/- in lieu of plot under the Prime Minister's Assistance Package under Article 199 of the Constitution. The revised Assistance Package, while providing a lump-sum amount in lieu of plot to the families of Government employees who die in service, expressly makes such payment subject to the condition that no plot, house or flat has been allotted to the deceased employee/family by any Government agency or department. The clarification issued by the Establishment Division vide O.M. No.8/24/2016-E-2 dated 22.06.2016 further requires verification of non-allotment before release of the amount. In the present case, the record relied upon by the respondents establishes the allotment of House No.A-28, Sector C-1, Ghagar Pahatak, to the deceased employee/family under the Pakistan Navy Welfare Housing Scheme, and the petitioner has not been able to demonstrate that the applicable policy contains any exception enabling her to claim the amount in addition to the housing benefit. Prima facie, mere assertion that the house was initially allotted to the deceased against payment does not, by itself, confer an independent right to receive the lump-sum amount in lieu of plot contrary to the express conditions of the

Assistance Package. Prima facie, no violation of any constitutional right or arbitrary exercise of authority has been established so as to warrant interference under Article 199 of the Constitution. The prayer for payment of Rs.70,00,000/- is, therefore, needs to be agitated in evidence, while the prayer seeking restraint against cancellation of House No.A-28 also cannot be granted in the absence of proof of an indefeasible constitutional right to retain the said house. Accordingly, this Constitutional Petition is dismissed, along with pending applications, if any, leaving the parties to agitate their claim before the Court of plenary jurisdiction; if approached upon the same shall be decided in accordance with law without prejudice to the rights of the parties and observation recorded hereinabove.

JUDGE

JUDGE

Zahid/\*

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