HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-393 of 2026
[Muhammad Islam vs. Province of Sindh and others]

Before:
JUSTICE ADNAN-UL-KARIM MEMON
JUSTICE MUHAMMAD JAFFER RAZA

Petitioner:	Through Mr. Mushtaque Ali Tagar advocate
Respondent No.1:	Through Mr. Rafique Ahmed Dahri Additional A.G Sindh
Respondents 2&3:	Through Mr. Zulfiqar Ali Korai advocate
Respondents No.4&5:	None present
Date of hearing	04.11.2026
Date of Decision	04.11.2026

O R D E R

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ADNAN-UL-KARIM MEMON, J. - The petitioner has filed the instant Constitution Petition under Article 199 of the Constitution, seeking directions to the respondents to lease out or regularize Municipal Quarter No.01, situated at Khatija Hospital Quarters, Latifabad Unit No.08, Hyderabad, in his favour, on the same terms as extended to respondent Nos.4 and 5, and not to dispossess him until provision of alternative accommodation.

2. Learned counsel for the petitioner submits that the petitioner was appointed as Chowkidar (BPS-01) on 21.11.1992 and retired on 02.12.2024. The quarter was initially allotted to his mother, who served as an Aya, and subsequently transferred to the petitioner's name vide order dated 28.02.1993; that despite repeated requests, the respondents have failed to regularize or lease out the quarter, whereas similar relief has allegedly been granted to other retired employees; that his mother and he had paid membership fees towards an Employees Cooperative Housing Society established in 1986, but possession of the allotted plots has not been delivered. He therefore seeks protection against eviction and provision of alternative accommodation.

3. In their comments, the respondents admit allotment of Municipal Quarter to the petitioner but deny the existence of any policy permitting regularization or lease of Government quarters in favour of retired employees. They further deny that any housing scheme was launched by HMC, stating that the receipts produced by the petitioner relate to the employees' union. It is submitted that the petitioner

had earlier filed C.P. No.D-1184 of 2025 seeking payment of pensionary benefits and undertook to vacate the quarter upon receipt thereof. Since his gratuity was paid on 02.01.2026 and regular pension is being disbursed, he has no lawful entitlement to retain possession of the Government quarter. The respondents allege that the petitioner is delaying its vacation and maintain that no policy exists for leasing Government quarters to retired employees.

4. We have heard learned counsel for the parties and examined the available record as well as the comments submitted by the respondents.

5. It is an admitted position that Municipal Quarter No.01 was allotted to the petitioner during his service; however, such allotment was purely for residential purposes in connection with his employment and did not confer any vested, proprietary or permanent right upon him to retain possession of the Government accommodation after retirement in the year 2024. The petitioner admittedly retired from service on 02.12.2024 and has also received his pensionary benefits, including gratuity. Consequently, the very basis upon which he was permitted to occupy the premises has ceased to exist, so far as outstanding dues if any are concerned the same needs to be paid / cleared in three weeks subject to his entitlement under the law.

6. It is a settled principle that government accommodation is meant for serving employees in accordance with the applicable rules and policy, and a retired employee cannot claim its continued occupation as a matter of right in the absence of any statutory provision, departmental policy or valid lease in his favour. Mere long-standing occupation, financial hardship or alleged allotment of similar benefits to other employees cannot, by itself, create a lawful entitlement to retain public property. If any other retired employee has been granted such concession, the same cannot be claimed as a matter of parity unless its legality and applicability are established. However, the competent authority shall ensure vacation of the official accommodations from the illegal occupants within two months without fail by assistance from the local administration in case of failure appropriate action shall be taken against the delinquent officials of the respondent-department.

7. We are also mindful of the petitioner's financial circumstances and the practical difficulties he may face in arranging alternative accommodation. However, such considerations, though deserving of sympathy, cannot override the lawful administration and utilization of public property. The respondents are equally under an obligation to ensure that Government accommodation is not occupied indefinitely by persons who are no longer entitled to it, particularly when such premises may be required for serving employees.

8. In view of the above, we find no lawful justification for directing the respondents to regularize or lease out the subject quarter in favour of the petitioner. Nevertheless, considering his long association with the department and the time reasonably required to arrange alternative accommodation, the petitioner is granted a final period of two months from the date of receipt of this order to peacefully vacate and hand over vacant possession of Municipal Quarter No.01 to the competent authority. The respondents shall not take coercive steps for his eviction during the said period, provided the petitioner does not create any third-party interest, transfer possession or cause damage to the premises, and payment as required under the law.

9. It is clarified that upon expiry of the aforesaid period, the respondents shall be at liberty to take lawful steps, in accordance with the prescribed procedure, to secure vacant possession of the quarter, without any further indulgence. The above direction shall equally apply to all persons who are found to be occupying Government/Municipal residential premises without any subsisting lawful entitlement, after affording them due notice and opportunity in accordance with law. The aforesaid exercise shall be undertaken forthwith.

10. For the foregoing reasons, the instant Constitution Petition stands disposed of in the above terms, with no order as to costs.

JUDGE

JUDGE

Karar_Hussain/PS*