

ORDER SHEET.
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Writ Petition No. 02 of 2024

Muhammad Ismail

VS.

Estate Office Management, etc.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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02.01.2024. **M/s Muhammad Suleman Sheikh and Hifsa Suleman Sheikh, Advocates for Petitioner.**

1. Through the instant Writ Petition, the Petitioner [Muhammad Ismail] seeks direction to the Respondents for disposal of his representation and appeal pending with them and also a restraining order for the Suit House not to be allotted to anyone else.

2. The brief facts as per the Memo of Petition are that the Petitioner is a Federal Government Servant since 2009 and presently working as Stenographer (BS-15) in Secretariat Training Institute Establishment Division, Islamabad. The Petitioner was allotted residential accommodation House No.159, Type D, Street G-6/4 Islamabad (“**Suit House**”) vide Letter dated 18.07.2022 issued by the Respondent No. 1 under the Allocation of Accommodation Rules, 2002 (“**Accommodation Rules**”). In the meantime Judgment was passed by this Court in W.P. No. 2479/2023 and pursuant thereto the allotment of the Petitioner was cancelled.

3. The Petitioner filed applications dated 29-11-2023 and 16-11-2023 before the Respondent No. 2 and the Respondent No. 1 respectively in which he stated that the Suit House is going to be vacated on 03-01-2024 as the original allottee namely Mr. Nadeem Sadiq Draftsman, Establishment Division, Islamabad retired on 02-07-2023 and his grace period of six months is going to be expire on 03-01-2024. The Respondent No.2 advised the

Petitioner verbally that they cannot treat his application submitted on 29-11-2023 as an appeal unless the subject of the application states that it is an appeal. The Petitioner on advice of the Respondent No.2 submitted another application dated 20.12.2023 to his good office regarding treatment of his earlier representation dated 29.11.2023 as an appeal. But till today the Respondents have not fixed the appeal. Hence, this Petition.

4. The learned counsel for the Petitioner submits the Respondents have failed to decide the appeal.

5. Admittedly, the Petitioner's allotment has been cancelled pursuant to the judgment passed by this Court in W.P. No. 2479/2023. Be that as it may, I shall restrain myself from commenting on the merits of the case so as not to prejudice the Petitioner's appeal pending before the Respondents. Point is that the Petitioner's appeal is pending and no decision has yet been made on it. In view thereof it is clear and apparent that the Petitioner has not exhausted the alternate adequate remedy available to him before approaching this Court and as such writ is not maintainable. I am fortified in my view by the judgment rendered by the apex Court in the case of *Government of Pakistan Ministry of Housing and Works through Joint Estate Officer, Federal Government Colony Hassan Ghari, Peshawar Vs. Malik Safeer Ahmed*, 2023 PLC (C.S) 367.

6. In view of the above discussion, the instant Writ Petition is not maintainable, therefore, the same is **dismissed in limine** alongwith C.Ms. It is, however, expected that the appeal will be decided within a reasonable period of time. The office is directed to give notice of this Order to the Respondents.

(SAMAN RAFAT IMTIAZ)
JUDGE