

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

C.R. No.218 of 2019
Dr. Muhammad Amin
Versus
Amjad Hassan Awan and another

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	02.03.2020	Petitioner in-person. Barrister Alayar Sindhu, for Z.T.B.L. Mr. Muhammad Yunas, OG-I, Z.T.B.L.

Through the instant writ petition, the petitioner, Dr. Muhammad Amin, impugns the order dated 02.05.2019 passed by the Court of the learned Additional District Judge, Islamabad, whereby his appeal against the order dated 14.02.2019 passed by the Court of the learned Civil Judge, Islamabad, was dismissed. Vide the said order dated 14.02.2019, the learned Civil Court had dismissed the petitioner's application under Order XXXIX, Rules 1 and 2 of the Code of Civil Procedure, 1908 ("C.P.C.") filed along with his suit for declaration, permanent and mandatory injunction.

2. The petitioner appeared in-person and submitted that the learned Courts below erred by not appreciating that even after an employee is dismissed from service, a grace period is given to him so as to enable him to vacate the official accommodation; that although vide office memorandum dated 15.04.2016, major penalty of dismissal from service had been imposed on the petitioner and writ petition No.1057/2018 titled "*Dr. Muhammad Amin Vs. Zarai Taraqati Bank Ltd.*" filed by him against the imposition of the said penalty had been dismissed by this Court, and review petition there against is still pending before this Court; that the petitioner had also

submitted an application before Zarai Taraqati Bank Limited ("Z.T.B.L.") for an early amicable settlement; that until the said review petition and application are decided, the petitioner's possession of the official accommodation should be restored; that the petitioner had been unlawfully evicted from the official accommodation; and that the learned Courts below had concurrently decided the petitioner's application for interim injunction in a slipshod and mechanical manner. The petitioner prayed for the revision petition to be allowed and for the impugned orders to be set-aside.

3. On the other hand, learned counsel for Z.T.B.L. submitted that the concurrent orders passed by the learned Courts below do not suffer from any jurisdictional error; that the petitioner's dispossession from the official accommodation was in accordance with the law since he had already been dismissed from service; and that if the petitioner's review petition is allowed by this Court and he is reinstated in service, then official accommodation of the relevant category could be allotted to him. Learned counsel for Z.T.B.L. prayed for the revision petition to be dismissed.

4. I have heard the contentions of the petitioner as well as the learned counsel for Z.T.B.L. and perused the record with their able assistance.

5. The petitioner was evicted from the official accommodation after major penalty of dismissal from service was imposed on him on 15.04.2016. The petitioner's departmental appeal against the imposition of the said penalty was dismissed on 07.03.2018. The said orders were assailed by the petitioner in writ petition No.1057/2018, which has been dismissed by this Court. A review petition

has been filed by the petitioner against the judgment whereby the said writ petition was dismissed. The said review petition is still pending adjudication. The petitioner has also filed an application before Z.T.B.L. for an early amicable settlement. The said application is yet to be decided.

6. After the petitioner was dismissed from service, notices were issued to him to vacate the official accommodation, i.e. Flat No.2, Block No. F-2, Z.T.B.L.'s Officers Colony, Islamabad. It is an admitted position that after the petitioner had been dismissed from service, he has already been evicted from the official accommodation.

7. In the event, the petitioner's review petition pending in this Court is decided in his favour or if his application for amicable settlement submitted to Z.T.B.L. is decided in his favour and he is reinstated in service, he will be entitled to the allotment of the official accommodation in the relevant category.

8. It is apt to mention here that an order of injunction is a discretionary order and once the Trial Court exercises discretion and grants or refuses to grant interim injunction, the same will not be normally interfered with by the appellate or revisional Court, unless it is found that such a discretion has been exercised arbitrarily or capriciously or perversely, or where the Court ignored settled principles of law regarding the grant or refusal of interim injunction. In the case at hand, it could not be said that the learned Courts below had exercised their discretion to dismiss the petitioner's application for interim injunction in an arbitrary, capricious or perverse manner.

9. In view of the above, I do not find any jurisdictional infirmity in the concurrent orders passed by the learned Courts below. Consequently, the instant revision petition is dismissed in *limine*.

(MIANGUL HASSAN AURANGZEB)
JUDGE

Sultan*