

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

W.P. No.2187/2019

Kaleem Aziz Khan

**Versus**

**The Secretary, Ministry of Housing and Works and another**

| S. No. of order / proceedings | Date of order/ Proceedings | Order with signature of Judge and that of parties or counsel where necessary. |
|-------------------------------|----------------------------|---|
|                               | <b>16.01.2020</b>          | <b>Mr. Raza Ali Shah, Advocate for the petitioner.</b>                        |

Through the instant writ petition, the petitioner, Kaleem Aziz Khan, a disabled civil servant, seeks a direction to the respondents to allot him government accommodation on a ground floor in lieu of Quarter No.14/7, Cat-V, I-9/4, Islamabad already allotted and occupied by him pursuant to the letter dated 13.11.2018 issued by the Ministry of Housing and Works, Islamabad.

2. The petitioner is a Lower Division Clerk in Press Information Department, Islamabad, and was appointed against the disabled quota. The petitioner had earlier filed writ petition No.1237/2004 before the Hon'ble Lahore High Court, Rawalpindi Bench praying for a direction to be issued to the respondents to implement the Prime Minister's order/direction for allotment of a flat. The orders dated 10.05.2004 and 12.05.2004 passed by the Hon'ble Lahore High Court show that the petitioner was allotted flat bearing No.14/7, Cat-V, I-9/4, Islamabad.

3. After the petitioner occupied the said flat, he moved several applications requesting the respondents to allot him an accommodation on ground floor considering

his disability in climbing stairs leading to his current accommodation on the fourth floor.

4. Learned counsel for the petitioner, after narrating the facts leading to filing of this petition, submitted that the petitioner is facing hardships due to his disability and medical condition, but the respondents are not paying any heed to his legitimate request to exchange his accommodation; that the petitioner identified a vacant accommodation on ground floor, but the same was not allotted to him; that vide letter dated 13.11.2018, the Ministry of Housing and Works had conveyed approval for the allotment of first available government accommodation on ground floor, but no action has been taken so far by the Estate Office; and that the respondents are bound under Rule 12 of the Accommodation Allocation Rules, 2002 ("the 2002, Rules") to allot an alternate accommodation to the petitioner on medical grounds. Learned counsel prayed for the petition to be allowed and for the respondents to be directed to immediately allot him accommodation on ground floor.

5. I have heard the contentions of the learned counsel for the petitioner and have perused the record with his able assistance.

6. Since the learned counsel for the petitioner has laid much emphasis on Rule 12 of the 2002 Rules, therefore, the same is reproduced herein below for ready reference:-

***"12. Change of accommodation.- Change from one accommodation to the other or exchange of accommodation between two allottees for same category of***

*accommodation may be permitted by the Ministry of Housing and Works subject to production of a certificate from their employers to the effect that they are not expected to be retired or transferred during the next one year and other required documents as prescribed by Ministry of Housing and Works from time to time."*

7. The bare reading of the above said Rule shows that a change from one accommodation to the other is subject to permission of the Ministry of Housing and Works. Now, vide letter dated 13.11.2018, the Ministry has conveyed approval for the allotment of first available, Category-V/C-Type government accommodation "*on ground floor*" to the petitioner.

8. It is not the petitioner's case that the respondents have allotted a similar accommodation to any other government employee after the issuance of approval letter dated 13.11.2018. The petitioner cannot expect for accommodation already allotted to another party to be allotted to him. A lawful allottee cannot be compelled to exchange his allotted accommodation with the petitioner. The Estate Office is bound to implement the directions contained in the letter dated 13.11.2018 issued by the Ministry of Housing and Works, and allot the petitioner accommodation on ground floor as and when first Category-V/C-Type government accommodation is available or due to be vacated by an occupant.

9. In view of above, the instant petition is disposed of with an expectation that the respondents would redress the petitioner's grievance highlighted in his application dated 26.11.2018 in accordance with the 2002

**Rules and the approval letter dated  
13.11.2018.**

**(MIANGUL HASSAN AURANGZEB)  
JUDGE**

Ahtesham\*

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