

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

C.R. No.445 of 2019  
Rafeh Ahmed Khan  
Versus  
Ministry of Housing and Works through its Secretary and another

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	15.11.2019	Ch. M. Kashif Gujjar, Advocate for the petitioner.

Through the instant civil revision petition, the petitioner, Rafeh Ahmed Khan, impugns the judgment dated 07.11.2019 passed by the Court of the learned Additional District Judge, Islamabad, whereby the petitioner's appeal against the order and decree dated 22.10.2019 passed by the Court of the learned Civil Judge, Islamabad, was dismissed. Vide the said order dated 22.10.2019, the learned Civil Court rejected the plaint in the petitioner's suit for declaration, mandatory and permanent injunction.

2. This matter pertains to government accommodation (i.e. House No.34-C, Sector G-6/2, Islamabad) which was allotted to the petitioner's mother on 04.12.1994. The petitioner's mother retired on 25.11.2018 upon attaining the age of superannuation. The petitioner claims that the said government accommodation should be allotted to him on the basis of the proviso to Rule 15(2) of the Accommodation Allocation Rules, 2002 ("A.A.R.").

3. Learned counsel for the petitioner submitted that on the date of the retirement of the petitioner's mother, the petitioner had been serving as a regular employee in the Ministry of Finance; that since the petitioner was living with his mother when the latter retired, the Estate Office should issue an allotment letter with

respect to the said government accommodation in the petitioner's favour; and that if the petitioner is evicted from the said government accommodation, his legal right under the proviso to Rule 15(2) of A.A.R. would be violated. Learned counsel for the petitioner prayed for the revision petition to be allowed and for the concurrent orders/judgments passed by the learned Courts below to be set-aside. In making his submissions, learned counsel for the petitioner placed reliance on the order dated 27.10.2017 passed by this Court in C.R. No.286/2017, titled "Madiha Ishaq, etc. Vs. Estate Officer, etc.", and the order dated 12.12.2018 passed by the Hon'ble Supreme Court in civil petition No.444/2018, titled "Estate Officer, etc. Vs. Madiha Ishaq, etc."

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

5. It appears that the suit accommodation had been allotted to the petitioner's mother, who retired from government service 25.11.2018. The petitioner's mother was entitled to remain in occupation of the suit accommodation for a period of six months only from the date of her retirement. During the said six months period or prior to that the petitioner had not been appointed as a Federal Government servant as defined in Rule 2(g) of the A.A.R. entitling him to the allotment of the said government accommodation. Since the petitioner was not appointed on a regular basis within a period of six months from the date of his mother's retirement, he could not have been extended the benefit under Rule 15(2) of the A.A.R.

6. There is nothing on the record to show that the petitioner had been appointed by the Federal

Government on regular basis. In his suit, the petitioner admits that on 08.02.2012, the petitioner was appointed as a Dispatch Rider (BPS-04) in the Ministry of Finance on contract basis. The petitioner has brought on record documents to show that he was considered for regularization but there is no document to show that his services were regularized so as to entitle him to the allotment of government accommodation.

7. It may be mentioned that there is no application on the record moved by the petitioner to either the Estate Office or the Ministry of Housing and Works for the benefit of Rule 15(2) of the A.A.R. to be extended to him. The petitioner has also not made out a case of hardship for the relaxation of the rules under Rule 29A of the A.A.R. The petitioner has been in occupation of the suit accommodation ever since her mother's retirement without a formal allotment letter from the competent authority.

8. The orders in the case of Madiha Ishaq relied upon by the learned counsel for the petitioner are distinguishable inasmuch as in that case the services of the petitioner seeking the benefit of the proviso to Rule 15(2) of the A.A.R. had been duly regularized, whereas in the case at hand, there is no order or decision of the petitioner's employer regularizing his services.

9. In view of the above, I do not find any jurisdictional irregularity in the concurrent findings of the learned Courts below. Therefore, this petition is dismissed. There shall be no order as to costs.

**(MIANGUL HASSAN AURANGZEB)  
JUDGE**