

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

C.R. No.437-2017

Shabnum Ara

Vs.

Government of Pakistan and another

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
---	---	--

09.04.2020	Petitioner in person. Raja Saad Sultan, Assistant Attorney General with Mohsin Pasha, Joint Estate Officer.
------------	--

The husband of petitioner was working as Assistant Accounts Officer (BPS-16) in Social Welfare and Special Education, Islamabad. Petitioners' husband expired on 28.07.2013; while in service, he was allotted government accommodation bearing Quarter No.14/6, Cat.III, Sector G-10/2, Islamabad vide allotment letter dated 10.09.2009. After demise of husband, the petitioner along with her children is residing in the above said Quarter since its allotment. The Estate Office issued notice on 02.05.2017 for vacation of Quarter in question which was challenged by way of suit by the petitioner before the court of plenary jurisdiction. The referred suit was dismissed by learned trial court vide judgment dated 11.10.2017; appeal was

preferred which was dismissed vide judgment dated 15.12.2017.

2. The petitioner, in person, submits that her husband died during service, however, his pension is not being paid; it is also submitted that she has no male child to support the family and they are in a destitute state. It was also submitted that as and when, dues of her husband are paid, she shall vacate the premises.

3. The Joint Estate Officer submitted that after death of a government servant, government accommodation can be retained by his/her family for a period of one year under Rule 15(1)(a) of Accommodation Allocation Rules, 2002 and since said period has long expired therefore there is no justification for the petitioner to retain government accommodation.

4. Arguments advanced by the parties have been heard and the documents, placed on record, examined.

5. It is an admitted position that allotment of government accommodation was made to the deceased husband of petitioner, however, upon his demise, the petitioner and her family are residing in the same for more than one year. It is also an admitted position that requisite period, for

which the property could be retained by the petitioner after death of her husband, has long expired and there is no justification for her to retain the same.

6. The fact that petitioner is not being paid pension has no connection with the retention of government accommodation.

7. The judgments passed by learned trial court as well as learned appellate court do not suffer from any jurisdictional error warranting interference.

8. For what has been discussed above, instant petition is without merit and is accordingly dismissed.

(AAMER FAROOQ)
JUDGE

Zawar