

Form No: HCJD/C-121
ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT

1. Writ Petition No.4129 of 2016

Col. (R) Saeed Akhtar and 02 others.

Vs

Federal Government Employees Housing Foundation through its Director
General, Islamabad and 03 others.

2. Writ Petition No.4317 of 2016

Syed Liaqat Banori and another.

Vs

Federal Government Employees Housing Foundation through its Director
General, Islamabad and another.

3. Writ Petition No.1377 of 2015

Raees Abdul Wahid.

Vs

Government of Pakistan through Secretary Cabinet Division, Islamabad and
05 others.

4. Writ Petition No.4092 of 2016

Syed Shajjar Abbas Hamdani and 04 others.

Vs

Federal Government Employees Housing Foundation through its Director
General, Islamabad and another.

5. Writ Petition No.989 of 2017

Dilawar Khan.

Vs

Government of Pakistan through Secretary Cabinet Division, Islamabad and
05 others.

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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09.12.2019. **M/s Iftikhar Ahmad Bashir, Saif ul Islam Sindhu, Zahid Mehmood Raja and Ch. Haseeb Muhammad, Advocates for the Petitioners in their respective petitions. Petitioners, in person, (in W.P. No.4092 of 2016 and W.P. No.989 of 2017). Raja Khalid Mehmood Khan, learned Deputy Attorney-General. Mr. Muhammad Safdar Janjua, Advocate for respondent No.3 (in W.P. No. 4129/2016). Mr. Muhammad Nazir Jawad, Advocate for respondent/Federal Government Housing Foundation (in W.P. No.4317/2016 and W.P. No.989/2017).**

This order shall dispose of the instant petition as well as Writ Petition No.4317 of 2016, Writ Petition No.1377 of 2015, Writ Petition No.4092 of 2016 and Writ Petition No.989 of 2017, as common questions of law and facts are involved.

2. The petitioners, in all the petitions, seek enhancement of quota for lawyers in the Housing Schemes floated by Federal Government Employees Housing Foundation.

3. Learned counsel for the petitioners, *inter-alia*, contended that at moment the quota for lawyers is meager and amounts to only 0.5 percent of the plots. In this behalf, attention was drawn towards the brochure which provides a quota of 5 percent for employees of Constitutional bodies/

professionals. It was submitted that the quota needs to be raised significantly.

4. Learned counsel for the Housing Foundation, *inter-alia*, contended that it is a policy decision to be taken by the Board of Federal Government Employees Housing Foundation so the matter ought to be referred to it. It was submitted that for the first time the quota of lawyers was introduced through the judgment of the Hon'ble Lahore High Court, Rawalpindi Bench titled "*Gulshan Hussain Vs. Commissioner (Revenue) Islamabad*" (**Writ Petition No.338 of 1999**), dated 08.11.1999.

5. Arguments advanced by learned counsel for the parties have been heard and the documents placed on record examined with their able assistance.

6. The status of Federal Government Employees Housing Foundation (FGEHF) and its functions was discussed in detailed by the Hon'ble Supreme Court of Pakistan in Civil Appeals No.67 and 68 of 2013, vide judgment dated 15.05.2014. It was observed in the said judgment that Federal Government Employees Housing Foundation (FGEHF), which is a body though sponsored by the Federal Government, has its own governing body and its affairs are

being managed and run by the Executive Committee and neither the President nor the Prime Minister have any say in the same. Likewise, fixation of the quota is the prerogative of the Executive Committee/Board of Federal Government Employees Housing Foundation (FGEHF) and it is the best judge in the facts and circumstances to fix the same keeping in view the overall position and requirements of the lawyers. The submissions made by learned counsel for the respondents in this behalf have substance.

7. In view of the above, the instant petitions are **disposed of** with direction to the respondent Federal Government Employees Housing Foundation (FGEHF) to determine the issue of quota for the lawyers in Islamabad Capital Territory keeping in regard the parameters as determined by the Hon'ble Lahore High Court, Rawalpindi Bench in its judgment titled "*Gulshan Hussain Vs. Commissioner (Revenue) Islamabad*" (***Writ Petition No.338 of 1999***), dated 08.11.1999.

(AAMER FAROOQ)
JUDGE