

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

Writ Petition No. 2247/2017.

Bakht Ali Abro

Versus

D.G. FGEHF, etc.

Petitioner: In person.

Respondents by: Raja M. Aftab Ahmed, AAG.
Mr. Muhammad Nazir Jawad, Advocate.

Date of Decision: 17.06.2019.

MOHSIN AKHTAR KAYANI, J:- Through this writ petition, the petitioner has prayed for the following relief:-

That contents of the earlier writ petitions, its enclosures and written submissions may kindly be considered as integral part and appropriate directions to respondents be kindly issued for allotment of plot as per earlier advertisement and deposit of pay order draft which rests with respondents, as the petitioner was superseded due to favorite journalists who had the recommendations of big name and fame and merit killed in office. Any other relief which this honorable Court deem proper.

2. Petitioner in person states that he has deposited Rs.68,000/- through pay order on 31.03.2004 in the office of Director General Federal Government Employees Housing Foundation against journalist quota and he has not been allotted plot in Sector G-14, Islamabad; that he filed W.P No.2838/2014, which was disposed of vide order dated 18.11.2016 with direction to the Secretary, Ministry of Information & Broadcasting, Government of Pakistan to determine the eligibility of petitioner for allotment of plot after affording opportunity of

hearing to him and pass speaking order; that said order was assailed through ICA No.542/2016 before the Division Bench of this Court, which was dismissed in limine vide order dated 08.12.2016; that despite retaining huge amount since 2004, no plot has been allotted to him.

3. Conversely, learned counsel for Housing Foundation contends that petitioner has availed the benefit of plot and was allotted plot No.250, Block-B, Rawalpindi Press Club Housing Society and is not entitled for the benefit of present scheme/existing scheme launched by the Housing Foundation; that Ministry of Information & Broadcasting has already decided the case of the petitioner vide letter dated 03.01.2017 and petitioner was directed to get refund of Rs.68,000/- from FGEHF.

4. Arguments heard, record perused.

5. Perusal of record reveals that petitioner applied for the allotment of plot in Scheme launched by respondent No.1 against 3% quota of journalist and deposited Rs.68,000/- on 31.03.2004 for the allotment of plot in G-14, Islamabad, however, he has not been considered for the allotment of plot whereby he was constraint to file writ petition which was disposed of with direction to the Secretary, Ministry of Information & Broadcasting to consider the eligibility of the petitioner and to decide the case of petitioner qua his eligibility. The petitioner has assailed the said order in ICA which was dismissed in limine. However, it has been observed from the record that case of the petitioner has already been turned down by the Ministry of Information & Broadcasting and directed the petitioner to get refund from FGEHF. The petitioner also approached the Wafaqi Mohtasib who vide order dated 10.03.2008 has held that case of the petitioner be considered in the next housing scheme of FGEHF.

6. At this stage, I have asked the petitioner to substantiate the status of any plot which has not yet been allotted, whereby he states that it is the job of Housing Foundation to provide such information. Learned counsel for respondent No.1 contends that no plot is available in Sector G-14, Islamabad and scheme has already been completed, however, he further contends that if the petitioner will apply in the next scheme he will be considered in the light of order passed by Wafaqi Mohtasib, if otherwise eligible.

7. Keeping in view the above background, the prayer made by the petitioner is not justified as the scheme has already been closed and at the most petitioner can be considered for any future scheme subject to condition that he fulfils eligibility criteria and on the recommendation of Secretary, Ministry of Information & Broadcasting, his case will be considered at appropriate level in accordance with the criteria fixed in the future scheme by the competent authority. The order dated 10.03.2008, passed by Wafaqi Mohtasib also substantiate the similar relief wherein it has been held that case of the petitioner will be considered in the journalists quota in the next housing scheme of FGEHF.

8. The petitioner has failed to submit any valid reason in his favour as to whether this Court can scrutinize the facts qua his eligibility for the purpose of allotment as it relates to a factual dispute, which could only be resolved by the Court of plenary jurisdiction. Even otherwise, housing foundation has taken categorical stance that petitioner has already availed the benefit of allotment in other housing society and as such he is not shelter less, although petitioner has taken a stance that there is no bar in the eligibility criteria that any person or his family members if retained any other plot or house are not eligible.

9. Keeping in view the above background, prayer made by the petitioner at this stage could not be materialized and if Ministry of Information &

Broadcasting recommends name of the petitioner for any future scheme of FGEHF his case would be considered on priority basis subject to condition that petitioner apply in the future scheme afresh and fulfill the criteria as at this stage scheme in which petitioner has submitted application has already been closed and completed, therefore, this Court cannot enter into factual dispute qua the double allotment or eligibility of other applicants through false information as such kind of action could only be taken by the concerned quarters of housing foundation.

10. Be that as it may, instant petition stands *disposed of* with direction to the petitioner to apply in the future scheme of FGEHF subject to recommendation of Ministry of Information & Broadcasting and after fulfilling the other codal formalities and requirement. The amount earlier deposited with the FGEHF by the petitioner in the previous scheme be returned to the petitioner within 30 days.

(MOHSIN AKHTAR KAYANI)
JUDGE

Zahid