FORM NO: HCJD/C

JUDGMENT SHEET

IN THE ISLAMABAD HIGH COURT,
ISLAMABAD
JUDICIAL DEPARTMENT

Civil Revision No.365/2013

Abdul Salam.

Vs.

Capital Development Authority etc.

Date of hearing : 24.04.2014

Mr. Sher Afzal Khan, Advocate for the petitioner.
M/s Javed Iqbla Wains and Raja Adnan Aslam, Advocates for C.D.A.

Noor-ul-Haq N. Qureshi, J: Today C.M No.219/2014 is fixed, but with the consent of both the sides, arguments on main civil revision have been heard. Through the instant Civil Revision the petitioner has called in question the order dated 16.09.2013, passed by the learned Civil Judge Ist Class, West-Islamabad; whereby application under Order 39 Rules 1 & 2 C.P.C. filed by him was dismissed and judgment dated 13.12.2013; whereby civil appeal filed by the petitioner was also dismissed.

2. The salient features of the instant civil revision are that the petitioner is a Federal Government employee working as Director Workers Welfare Fund BS-19, Ministry of HRD and Overseas Pakistanis. The petitioner was allotted family suite No.03, Government

Hostel, Sector G-5, Islamabad. On 08.5.2013, respondent No.1 without any reason and without hearing informed the petitioner through respondent No.5 to vacate the premises. The petitioner instituted a civil suit, in which initially status quo order was granted but subsequently application for grant of stay was dismissed by the learned Civil Judge on 16.09.2013. Feeling aggrieved of the said order the petitioner preferred appeal before the learned District Judge, Islamabad, but the same did not find favour and was dismissed vide judgment dated 13.12.2103, hence the instant Civil Revision.

3. In support of civil revision, learned counsel for the petitioner contended that the respondents could not cancel the allotment which was made by a competent authority. Both the courts below failed to examine the jurisdictional aspect of the authority of the respondents and did not touch the core issue of the controversy. It is added that the allotments have been made to certain persons who have their own accommodations at Islamabad. All the ingredients for grant of injunction were in favour of the petitioner, but despite this injunction application as well as appeal was dismissed.

4. Conversely, learned counsel for C.D.A supported the impugned order/judgment.

5. I have heard the arguments advanced by both the sides and perused the record.

6. Final show cause notice dated 06.06.2013 shows that it was issued on account that the National Assembly had raised serious objection regarding vacation of the family suite. The findings recorded by the learned Additional District Judge, Islamabad are quite in accordance with law and no exception can be taken to the same. He rightly came to the conclusion that under Rule 11 of Federal Government Hostel Rules 1983, allotment of residence could be cancelled at any time and it was the sole discretion of the authority. Moreover, all the three ingredients for grant of injunction i.e balance of convenience, prima facie arguable case and irreparable loss did not co-exist in favour of the petitioner, therefore, both the courts below have rightly dismissed the application for the grant of injunction as well as appeal filed by the petitioner.

7. For what has been discussed above, this civil revision petition having no force is **dismissed.**

8. In view of my final assessment, enlisted C.M and other C.Ms have become infructuous, which are disposed of accordingly.

Noor-ul-Haq-N. Qureshi
Judge

Sabir