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**RETENTION OF HIGHER CATEGORY ACCOMODATION –  
UNDER RULE 15 (2) B.**

**LAHORE HIGH COURT JUDGEMENT W.P NO.950/2005.**

**ESTABLISHMENT DIVISION O.M NO.10/52/95-R Dated 01-06-  
1999.**

19/11-Cont'd 98/11  
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GOVERNMENT OF PAKISTAN  
MINISTRY OF HOUSING AND WORKS

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SUBJECT: - REQUEST FOR ALLOWING RETENTION OF GOVERNMENT ACCOMMODATION AFTER RETIREMENT FROM SERVICE.

Reference Prime Minister' Secretariat (Public) U.O.NO.577/DS(IA-III)/09 dated 14-04-2009 on the subject noted above.

2. The matter has been examined in this Ministry. It has been observed that:-

- i). Under rule 15(2) of AAR 2002, a retired Federal Government servant can retain the accommodation under his occupation for a period not exceeding six months and this facility is available to him once only. Mr. Welayat Khan, Ex-Assistant Secretary, Prime Minister's Secretariat (Internal) is presently availing this facility which will expire on 09-07-2009.
- ii). There is no provision in the Accommodation Allocation Rules to allow further retention beyond admissible period of six months. The same is also not covered in relaxation of rules under Rule 29A of AAR-2002 as adjudged by the Islamabad High Court in a Writ Petition No.206/2008 titled Niamatullah VS Federation of Pakistan.
- iii). Government instructions as contained in Establishment Division O.M. No. 10/52/95-R.2 (TI) dated 01-06-1999 (appearing at serial No. 29, page 81-82 of Esta-Code, 2000) also, among other, envisage that officers / officials on retirement shall be entitled to retain official accommodation for a period of six months and no extension shall be allowed beyond the afore mentioned period. Retiring officers/officials should prepare themselves accordingly.
- iv). Lahore High Court, Rawalpindi Bench vide judgment in one of the petitions (W.P No. 950/2005) has inter-alia, held that a government servant having retired from government service has absolutely no right to remain in government accommodation. As a matter of fact after his retirement he is continuously in illegal possession of the official accommodation. The learned Judge also observed that he is not aware of any constitutional guarantee that a retired government servant must retain the government accommodation provided to him during his service to the detriment of the rights of the other government servants standing in the queue for years altogether.

3. Notwithstanding the position indicated above, retention beyond permissible period has been granted to certain retired Federal Government servants in most deserving and exceptional cases on payment of rental ceiling in terms of Rule 25 (4) (a) of AAR-2002 to avoid audit objections.

J.D. (E/W)  
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Mr. Asghar  
Khalid

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