

IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN

C.P.L.A NO.29/2013

Before :- **Mr. Justice Raja Jalal-ud-Din Judge.**

Mr. Justice Muzaffar Ali Judge.

Hussain Akbar s/o Nadir Ali Account Officer BPS-16 G.B.L.A and 2 others.

Petitioners

Versus.

Speaker GBLA Gilgit and 2 others

Respondents

PETITION FOR LEAVE TO APPEAL JUDGMENT/ORDER DATED 02-10-2013 PASSED BY THE GILGIT-BALTISTAN CHIEF COURT GILGIT.

Present :- Mr.Amjad Hussain Advocate alongwith Sharif Ahmed

Advocate on behalf of petitioners.

Mr.Asadullah Khan, Advocate General Gilgit-Baltistan
for respondent.

Mr.Jamil Ahmed Deputy Speaker GBLA, Gilgit
respondent No.3 of the petition.

Haji Jamal Khan AOR.

Date of Hearing :- 27-03-2014

JUDGMENT:-

Mr. Justice Muzaffar Ali,.....J. This petition for leave to appeal has been preferred against the judgment /order dated 01-10-2013, passed by the learned Division Bench of the Gilgit-Baltistan Chief Court, whereby the learned Division Bench has dismissed the writ petition No. 23/2013 ,for want of jurisdiction.

Impugned judgment perused, it reveals that the learned Division Bench of the Chief Court has inferred a” **ratio decidendi** “from cited judgment “**Dr. Ghulam Ali etc versus Federal Minister for KA/NA Division Islamabad etc.** in writ petition No.61/208 and from other judgments indicated in,” **that, service matters pertaining to “Promotion /appointments against the post of BPS-17 and upward”** could not be challenged in general Courts including the Hon’ble Chief Court in its writ jurisdiction.

We after going through, the above cited case law Coupled with the other judgments of **Supreme Court of Pakistan and Hon’ble Chief Court Gilgit-Baltistan on the subject,** have reached into the conclusion that the learned Division Bench has wrongly, inferred the above judicial dictum from the judgments.

The “**ratio decidendi**” in all the above cases is that, **August Supreme Court of Pakistan** and the learned Chief Court have ousted the

jurisdiction of general Courts including the writ jurisdiction to entertain the service matters agitated by the employees who have been appointed by the KA/NA Division either on the recommendations of the Federal Public Service Commission or otherwise and also the matters of deputationist's employees in the Gilgit-Baltistan holding the jurisdiction of the Federal Service Tribunal Islamabad to entertain their cases. The remaining employees appointed by the competent authorities in Gilgit-Baltistan have been given benefit of non-availability of the special forum (as no Service Tribunal was established by the Gilgit-Baltistan Government) and general Courts were held to have jurisdiction to entertain suits and writ jurisdiction was also extended to such Service matters. So the criteria was not the "grade" but was the "method of appointment".

Since at present, Government of Gilgit-Baltistan has established the Service Tribunal of its own as such the above legal discussion remains as academic and has no legal effect except the writ petition is sent to the learned Chief Court Gilgit-Baltistan to take it as pending before and do the needful under the relevant provisions of the Gilgit-Baltistan Service Tribunal Act 2010.

With these observations, the instant petition is disposed of accordingly.

Judge

Judge