

**IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN,
GILGIT.**

Before:-

**Mr. Justice Dr. Rana Muhammad Shamim, Chief Judge.
Mr. Justice Javed Iqbal, Judge.**

Civil Appeal No. 05/2018

In

CPLA No. 130/ 2017

Provincial Government & others

Petitioners.

Versus

Sadaqat Ameen & others

Respondents.

PRESENT:-

1. The Advocate General alongwith Mr. Saeed Iqbal, Deputy Advocate General and Mr. Ali Nazar Khan Advocate-on-Record for the petitioners.
2. Malik Kifayat-ur-Rehman Advocate alongwith Mr. Shakoor Khan Advocate-on-Record for respondents.

DATE OF HEARING: - 10.04.2018.

JUDGMENT.

Mr. Justice Rana Muhammad Shamim, CJ..... This petition has arisen out of the impugned judgment dated 19.09.2017 in Writ Petition No. 118/2016 passed by the learned Chief Court whereby the Writ Petition filed by the respondents was accepted with the findings that the discriminatory re-designation of the already up-graded posts of Computer Operators from BPS-12 to BPS-16 into BPS-12 stands nullified with the direction to the petitioners to regularize the services of the respondents in BPS-16 with effect the date of up-gradation of the posts of Computer Operators from BPS-12 to BPS-16, hence, this petition for leave to appeal. This court vide order dated 04.12.2017 issued notices to the respondents and the case was heard today.

2. The learned Advocate General submits that the respondents were never appointed in the posts of Computer Operators BPS-12 and they have no locus standi to file the writ petition in the Chief Court. He also submits that they were appointed on contract basis till regularization of their contractual services. Per learned Advocate General, after issuance of notification of re-designation of the said posts, the services of the respondents was regularized in the posts of Data Entry Operators (DEO) BPS-12 vide Office order No. Est(T)-1(2)/2014 dated 26.03.2015. He adds that the act of creation of posts on need basis, allocation posts on area basis and recruitment in the posts under rules is internal basis of the petitioners. The respondents have no right of interference over official work of petitioners. He reiterates that no illegal or without authority act was committed by petitioners while regularizing the contingent/contract services of the respondents and they have no vested right to challenge the notification dated 17.01.2014 through writ petition. He submits that the learned Chief Court fell in error while passing the impugned judgment dated 19.09.2017. He submits that the said impugned judgment is the result of mis-interpretation of law and misreading/non-reading of the facts of the case and the same is not sustainable. He prays that the said impugned judgment may graciously be set aside to meet the ends of justice.

3. On the other hand, the learned counsel for the respondents supports the impugned judgment passed by the

learned Chief Court. He contends that the posts of Computer Operators BPS-12 in the Tourism Department were re-designated as Data Entry Operators BPS-12 was based on malafide intentions as the existing posts of Computer Operator BPS-12 had already been up-graded from BPS-12 to BPS-16 by the Government of Gilgit-Baltistan vide Notification dated 27.05.2010. Per learned counsel, the discriminatory re-designation of the already up-graded posts of Computer Operators from BPS-12 to BPS-16 into BPS-12 results frustration among the respondents. The respondents may be treated equally among equals. He submits that the learned Chief Court has rightly accepted the writ petition filed by the respondents vide impugned judgment dated 19.09.2017. He prays that the said impugned judgment may pleased be maintained being well reasoned and well founded.

4. We have heard the learned counsels for the respective parties at length, perused the material on record and gone through the impugned judgment passed by the learned Chief Court. In our considered view, the impugned judgment dated 19.09.2017 passed by the learned Chief Court is not well reasoned and well founded, hence, interference into it is warranted.

5. In view of the above discussions, we convert this petition into an appeal and the same is allowed. Consequently, the impugned judgment dated 19.09.2017 in Writ Petition No. 118/2016 passed by the learned Chief Court is set aside.

6. The appeal is allowed in above terms.

Chief Judge.

Judge.