

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

Before:-

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

CPLA No. 49/2018.

Provincial Government through Chief Secretary Gilgit-Baltistan & others. **Petitioners.**

Versus

Mst. Rabiba wife of Sabir Ali resident of Village Tarishing (Rupal) sub Division Shounter District Astore. **Respondent.**

PRESENT:-

1. The advocate General alongwith Mr. Ali Nazar Khan Advocate-on-Record for the petitioners.

DATE OF HEARING: - 16.07.2018.

ORDER

Dr. Rana Muhammad Shamim, CJ..... This Petition has been directed against the impugned Judgment dated 16.05.2018 in Writ Petition No. 95/2017 passed by the learned Chief Court whereby the said Writ Petition filed by the respondent was allowed by directing the official petitioners to appoint the respondent against the post of Dia (BPS-02) in Civil Dispensary Tarishing with immediate effect. They were also directed to furnish compliance report to the learned Chief Court through its Registrar within two months of the receipt of the Certified True copy of the impugned judgment passed by the learned Chief Court. The petitioners being aggrieved by and dissatisfied with the said impugned judgment filed this petition for leave to appeal.

2. The learned Advocate General Submits that the husband of the respondent was a Government Employees who died

during his services. Consequently, the respondent filed Writ Petition in the learned Chief Court praying therein that the petitioners be directed to appoint the respondent as Dia under the “Prime Minister Assistance Package for the Families of the Deceased Employees”. Upon hearing, the said Writ Petition of the respondent was allowed by the learned Chief Court with the directions to the petitioners to appoint her with immediate effect, hence, this petition for leave to appeal. He submits that there is no availability of the suit post to appoint the respondent. He also submits that the respondent does not fulfill the requisite codal/formalities for the said post; therefore, the petitioners are unable to appoint her. Per learned Advocate General, the respondent was nominated for three (03) month TBS course in DHQ Hospital Eidgah Astore but she could not complete/pass the said required course. She cannot be appointed on the said post because of lacking of training and experience as Dia. He submits that the learned Chief Court fell in error while allowing the Writ Petition of the respondent; therefore, the impugned judgment is not tenable.

3. We have heard the learned Advocate General Gilgit-Baltistan, perused the material on Record and gone through the impugned judgment and the Notification dated 19th April, 2016 issued by the Government of Gilgit-Baltistan. The perusal of the record transpires that admittedly the respondent is the widow of late Sabir Ali, Nursing Assistant, Civil Dispensary Astore who died

on 01.07.2016 due to cancer. The respondent being the widow of Government employee is entitled for the benefits of the “Prime Minister Assistance Package for the Families of the Deceased Employees”. The learned Chief Court has rightly allowed the Writ Petition with the directions to appoint the respondent as Dia. In our considered view, the impugned judgment is well reasoned and well founded, hence, no indulgence into it is warranted by this Court. Further, the learned Advocate General also failed to point out any infirmity and illegality in the impugned judgment passed by the learned Chief Court.

4. In view of the above discussions, we are not inclined to grant leave to appeal. Consequently, the leave is refused by upholding the impugned judgment dated 16.05.2018 in Writ Petition No. 95/2017 passed by the learned Chief Court.

5. The leave is refused in above terms.

Chief Judge.

Judge.