

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

Before:-

**Mr. Justice Dr. Rana Muhammad Shamim, Chief Judge.
Mr. Justice Raja Jalal-ud-Din, Judge.
CPLA. No. 26/2012.**

1. Provincial Government through Chief Secretary Gilgit-Baltistan.
2. The Secretary Education Gilgit-Baltistan, Gilgit.
3. The Secretary Home, Services & Law Gilgit-Baltistan.
4. The Director Education Gilgit-Baltistan.

PETITIONERS.

Versus

1. Mst. Yasmin Sher Wali resident of Punial District Ghizer presently employee as Instructor at Elementary College for Women Gilgit.

RESPONDENT.

PETITION FOR LEAVE TO APPEAL UNDER ARTICLE NO.60 OF GILGIT-BALTISTAN (EMPOWERMENT & SELF GOVERNANCE) ORDER 2009 READ WITH ENABLING ARTICLES OF GILGIT-BALTISTAN SUPREME APPELLATE COURT RULES 2008 AGAINST THE JUDGMENT DATED 27.06.2012 PASSED BY CHIEF COURT GILGIT-BALTISTAN IN WRIT PETITION NO. 33/2003 WHEREBY THE LEARNED CHIEF COURT HAS ACCEPTED THE WRIT PETITION.

FOR SETTING ASIDE THE IMPUGNED JUDGMENT BY CONVERTING THIS PETITION FOR LEAVE TO APPEAL INTO APPEAL AND ACCEPTING THE APPEAL FOR THE INTEREST OF JUSTICE , LAW & EQUITY.

PRESENT:-

1. The Advocate General Gilgit-Baltistan alongwith Mr. Joher Ali Advocate, Legal Advisor, Education Department Gilgit-Baltistan for the petitioners.

DATE OF HEARING: - 05-11-2015.

ORDER.

Dr. Rana Muhammad Shamim, CJ.....This petition for leave to appeal has been filed after a delay of three (03) Months and

ten (10) days by the Provincial Government through the Chief Secretary, Gilgit-Baltistan etc.

The learned Advocate General Gilgit-Baltistan submits that after passing the impugned Judgment dated 27.06.2012, the law & order situation in Gilgit city remained tense and the concerned officers/officials could not obtain copy of the said impugned Judgment and other relevant documents within time. He further submits that due to the aforementioned facts, the preparation of the impugned Judgment has not come into their knowledge. He contends that after obtaining the certified copy of the said impugned Judgment, the law and order situation in Gilgit city has again become tense due to which the concerned officers could not take permission to file petition from the competent authority in time which also caused delay.

He finally submits that the delay for filling this petition for leave to appeal was neither deliberate nor intentional but it was due to unavoidable circumstances beyond the control of the petitioners. He prayed that if the delay is not condoned, the petitioners/department will suffer irreparable loss.

We have heard the learned Advocate General at length, perused the record of the case file and gone through the impugned Judgment as well as the endorsement of the record keeper of learned Chief Court, Gilgit-Baltistan. As per record, the impugned Judgment was announced on 27.06.2012, the application for

obtaining certified copies was moved and submitted on 03.08.2012 after a delay of one month and six (06) days, the copy of the said judgment was prepared on 07.08.2012 and the same was received on 08.08.2012, whereas the petition was filed on 08.12.2012.

The explanation offered by the learned Advocate General Gilgit-Baltistan is not acceptable in the above circumstances. We have been fortified from the guidelines laid down by the Hon'ble Supreme Court of Pakistan in cases reported as 1990 SCMR 1377, 1991 SCMR 1022, 1998 SCMR 292 & 1087, wherein even one day unexplained delay was not condoned. The leave to appeal is accordingly refused being hopelessly time barred.

The leave refused.

Chief Judge.

Judge.

Whether the case is fit to be reported or not?