

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

Before:-

Mr. Justice Dr. Rana Muhammad Shamim, Chief Judge.

Mr. Justice Javed Iqbal, Judge.

Mr. Justice Shahbaz Khan, Judge.

CPLA. No. 92/2015.

1. Rifaqat Ali son of Ata resident of Gircha Gojal Hunza.
2. Mujahid Ali s/o Gohar r/o Haider pura Gilgit.
3. Muhammad Nasir son of Ghulam Hussain R/O Danyore Gilgit.
4. Tajuddin son of Muhammad Raza Konodas Gilgit.

Petitioners.

Versus

1. Provincial Government through Chief Secretary Gilgit-Baltistan Gilgit.
2. Secretary Forest Gilgit-Baltistan, Gilgit.
3. Ranger Forest Officer Khunjrab.
4. Director Khunjrab.
5. Wildlife management Officer Khunjrab.
6. Sherbaz Chowkidar son of Faqir Shah R/O Nagara Gilgit.
7. Shafiullah son of Qalb Ali R/O Morkhun Gojal.
8. Asghar Khan Son of Ali Rehmat R/O Nazimabad.
9. Sultan Mahmood Son of Niaz R/o Morkhun Gojal.
10. Liaqat Ali son of Ali Rehbar.
11. Khalid Aman Son of Gohar Aman.
12. Muhammad Ibrahim son of Wazir Baig R/O Bagorote.
13. Maqsood son of Faqir Shah.
14. Rehbar Karim son of Ghulam Baqir.
15. Syed Agha Hussain son of Syed Abbas Mosvi.
16. Muhammad Farooq son of Abdul Rashid Game Watcher posted at Dahee head Quarter Officer Khunjrab National park Gojal Hunza.

Respondents.

PETITION FOR LEAVE TO APPEAL UNDER ARTICLE 60 OF GILGIT-BALTISTAN (EMPOWERMENT & SELF GOVERNANCE) ORDER 2009 AGAINST THE IMPUGNED JUDGMENT DATED 17.08.2015 PASSED BY THE LEARNED GILGIT-BALTISTAN CHIEF COURT IN CIVIL MISC. NO. 296/2014 OF REVIEW NO. 169/2013 WHEREBY THE LEARNED CHIEF COURT HAS DISMISSED THE REVIEW PETITION OF PETITIONERS HOLDING THE SAME NOT CONSIDERABLE.

PRESENT:-

1. Mr. Munir Ahmed Advocate for the petitioners.
2. The Advocate General on behalf of the respondents.

DATE OF HEARING: - 28.06.2016.

ORDER.

This petition for leave to appeal was directed against the impugned order dated 17.08.2015 in Civil Misc. No. 296/2014 passed by the learned Gilgit-Baltistan Chief Court. Whereby the said Civil Misc was dismissed being meritless. The petitioners being aggrieved by and dissatisfied with filed this petition for leave to appeal. This court vide order dated 07.04.2016 issued notices to the respondents and the case was fixed for final arguments today on 28.06.2016.

The learned counsel for the petitioners submits that the petitioners filed a Writ Petition No. 55/2009 before the learned Gilgit-Baltistan Chief Court for regularization of their services against the post of Game Watcher in Khunjrab National Park at par with other employees of the said line and cadre alongwith back benefits as granted to the respondent No. 06 to 16. He further submits that the learned Gilgit-Baltistan Chief Court partially allowed the said Writ Petition to the extent of adjustment of the petitioners on permanent footing vide judgment dated 20.08.2013. Wherein the plea of the petitioners for grant of back benefits was not allowed. He further submits that the petitioners filed Review Petition No. 296/2014 before the learned Gilgit-Baltistan Chief Court instead of filing leave to appeal before this court which upon hearing was also dismissed vide impugned order dated 17.08.2015,

hence, this petition for leave to appeal. He also submits that the said impugned order passed by the learned Gilgit-Baltistan Chief Court is the result of misconception of law and misreading/non-reading of the facts of case, therefore, the same is not tenable and liable to be set aside.

On the other hand the learned Advocate General appearing on behalf of the respondents supports the impugned order dated 17.08.2015 passed by the learned Gilgit-Baltistan Chief Court. He contends that the same is required to be maintained being well reasoned and well founded, therefore, no interference is warranted into it to meet the ends of justice. He also contends that there was no justification to file a Review Petition against the judgment passed in Writ Petition No. 55/2009 before the same court instead of filing leave to appeal before this Hon'ble Court. The learned counsel for the petitioners could not satisfy the same in response to the query of this court vide this court order dated 07.04.2016 and 22.06.2016, hence, the impugned order is required to be maintained.

We have heard the learned counsels for the respective parties at length, perused the record of the case file and gone through the impugned order dated 17.08.2015 in Civil Misc. No. 296/2014 passed by the learned Gilgit-Baltistan Chief Court. We are in agreement with the learned Advocate General as the learned counsel for the petitioners could not satisfy this court with regard to filling of Review Petition before the learned Gilgit-Baltistan

Chief Court instead of filing leave to appeal before this court. The learned counsel for the petitioners could not point out any illegality/infirmity in the impugned order as well, hence, we convert this petition into an appeal and the same is dismissed. Consequently, the impugned order dated 17.08.2015 in Civil Misc. No. 296/2014 passed by the learned Gilgit-Baltistan Chief Court is maintained.

The petition is dismissed in above terms.

Chief Judge.

Judge.

Judge.

Whether the case is fit to be reported or not?