

**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. 73/2017

In

CPLA. No. 114/2015.

Safdar Hussain & 06 others

Petitioners.

Versus

Provincial Government & 03 others

Respondents.

PRESENT:-

1. Mr. Munir Ahmed Advocate alongwith Mr. Amjad Hussain Advocate and Mr. Ali Nazar Khan Advocate-on-Record for the petitioners.
2. The Advocate General Gilgit-Baltistan on behalf of the respondents.

DATE OF HEARING: - 13.04.2017.

DATE OF ANNOUNCEMENT OF JUDGMENT: - 19.10.2017.

JUDGMENT.

Dr. Rana Muhammad Shamim, CJ..... This Civil Petition for leave to appeal has been directed against the impugned order dated 06.10.2015 in Writ Petition No. 104/2015 passed by the learned Chief Court whereby the Writ Petition filed by the petitioners was dismissed by refusing admission for regular hearing. The petitioners being aggrieved by and dissatisfied with the said impugned order filed this petition for leave to appeal. This Court vide order dated 13.05.2016 issued notices to the respondents and the case was heard on 13.04.2017, consequently, the judgment was reserved.

2. Briefly, the facts of the case are that the petitioners were employees of the respondents in a project under the Department of Health EPI/GAVI (Expanded Program on Immunization) in different

scales and designations purely on contract basis except the petitioner No. 07 who was on deputation from EPI, Health Department. The EPI (Expanded Program on Immunization) was established by the Federal Government as a unit under the Health Department of Gilgit-Baltistan which was initially funded by GAVI. The Federal Government has allocated fund for the program in question. The petitioners were serving in the said project from last four (04) years and the services of thirty Five (35) colleagues of the petitioners were regularized by the respondents. On 02.09.2015 vide Office Order No. SEC.H-98/2013, the respondents illegally concluded the contractual services of the petitioners by violating the terms and conditions of the PC-1 of the project in question which is according to the petitioners is a discriminatory act. The petitioners claim that they have been deprived from their services illegally and unlawfully. Per contentions of the petitioners, the Government of Gilgit-Baltistan is/was bound to allocate funds from its regular budget after two (02) years of the project. Similarly, the PC-4 has to be submitted to the Federal Government for conversion of the project from development to non-development/regular budget including the conversion of the services of the petitioners as per scope of the PC-1. The PC-4 has already been submitted by the Government of Gilgit-Baltistan to the Federal Government for conversion of the staff as well as the said project. The project is likely to be regularized but the services of the petitioners have been discontinued by the respondents just to deprive them from their

services and to accommodate the blue eyed persons which is malafidy on the part of the respondents. The petitioners feeling aggrieved were constrained to file Writ Petition No. 104/2015 in the learned Chief Court which upon hearing was dismissed, hence, this petition for leave to appeal.

3. The learned counsels for the petitioners contend that EPI is a countrywide project which was started initially by the Federal Government as a unit under the Health Department of Gilgit-Baltistan by the funds provided by GAVI. They contend that such program was also initiated in the State of Azad Jammu & Kashmir which was later on regularized by floating PC-4 from development to regular side. Similarly, the services of the staff were also converted from contractual into regular basis. They further contend that the Government of Gilgit-Baltistan on one hand has moved the PC-IV to the Federal Government for conversion of the project into regular basis including the contract employees. On the other hand, the services of the petitioners have been discontinued vide impugned office order dated 02.09.2015 issued by the respondents. Per learned counsels, the said office order is illegal, unlawful and based on malafidy. They contend that earlier 35 colleagues have been appointed on regular basis by converting their services from contractual into regular whereas the petitioners have been discriminated. They contend that the petitioners being aggrieved by and dissatisfied with filed Writ Petition in the learned Chief Court which was dismissed by refusing admission for regular hearing

whereas a an identical Writ Petition No. 65/2009 was accepted by directing the authorities of Gilgit-Baltistan to adjust all the petitioners in the their respective posts which was upheld by this apex court in CPLA No. 01/2011 in case titled Provincial Government of Gilgit-Baltistan versus Ehsan-ul-Haq & others. Per learned counsels the learned Chief Court fell in error while passing the impugned order, hence, the same is not tenable and liable to be set aside.

4. On the other hand, the learned Advocate General supports the impugned order dated 06.10.2015 in Writ Petition No. 104/2015 passed by the learned Chief Court. He contends that the petitioners were the contract employees of the project and their services have rightly been terminated by the respondents as the period of the project expired on 30.06.2015. Per learned Advocate General, after winding up of the project the staffs have automatically been terminated from their services. He contends that the Writ Petition filed by the petitioners was not maintainable which has rightly been dismissed by the learned Chief Court. He further contends that the said impugned order is well reasoned and no interference is warranted into it.

5. We have heard the learned counsels for the respective parties at length, perused the material on record and gone through the impugned order. Admittedly, the petitioners were contractual employees in a project whose services have been terminated by the respondents after the completion of the said project. It is also not

disputed that the services of the petitioners were temporary, therefore, they can not claim as a right for the conversion of their temporary posts into regular service. The learned counsels for the petitioners could not point out any infirmity in the said impugned order.

6. In view of the above discussions, we convert this petition into an appeal and the same is dismissed. Consequently, the impugned order dated 06.10.2015 in Writ Petition No. 104/2015 passed by the learned Chief Court is affirmed.

7. The Appeal is dismissed in above terms.

Chief Judge.

Judge.