

**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.

C. Appeal No. 44/2015

In

CPLA. No. 31/2015.

1. Wajahat Ullah Nasim son of Muhammad Nasim Khan R/O Juglote Sai District Gilgit.

2. Ammar Ahmed son of Mashroof Ahmed R/O Kashrote Gilgit.

Petitioners.

Versus

1. Provincial Government through Chief Secretary Gilgit.

2. Secretary Works Gilgit-Baltistan, PWD Gilgit.

3. Deputy Secretary Works Gilgit-Baltistan, PWD, Gilgit.

4. Chief Engineer Gilgit Region Gilgit-Baltistan PWD, Gilgit.

Respondents.

PETITION FOR LEAVE TO APPEAL UNDER ARTICLE 60 OF GILGIT-BALTISTAN (EMPOWERMENT & SELF GOVERNANCE) ORDER 2009 READ WITH ENABLING ARTICLES OF CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973 TO THE EFFECT THE IMPUGNED ORDER OF THE LEARNED GILGIT-BALTISTAN CHIEF COURT DATED 11.03.2015 MAY GRACIOUSLY BE SET ASIDE BY CONVERTING THIS PETITION FOR LEAVE TO APPEAL INTO APPEAL AND BY ACCEPTING THE APPEAL THIS HON'BLE COURT MAY GRACIOUSLY BE PLEASED TO CONTINUE THE SERVICE OF PETITIONERS IN ACCORDANCE WITH NOTIFICATION DATED 13.10.2014 7 16.10.2014 BY SETTING ASIDE THE IMPUGNED ORDER OF RESPONDENT NO. 02 DATED 30.10.2014 IT IS FURTHER SUBMITTED THAT THE CONTRACTUAL SERVICES OF THE PETITIONERS MAY BE CONVERTED INTO REGULAR BASIS IN ACCORDANCE WITH THE ACT NO. 1 OF 2014 AND THE JUDGMENT OF THIS APEX COURT UNDER C. MISC. NO. 44/2011 TO MEET THE ENDS OF JUSTICE.

PRESENT:-

1. Mr. Malik Shafqat Wali senior Advocate alongwith Mr. Rehmat Ali Advocate-on-Record for the petitioners.

2. The Advocate General on behalf of the respondents.

DATE OF HEARING: - 30.06.2016.

JUDGMENT.

Dr. Rana Muhammad Shamim, CJ..... This petition for leave to appeal was directed against the impugned Judgment dated 11.03.2015 in Writ Petition No. 24/2015, passed by the learned Gilgit-Baltistan Chief Court, whereby the said Writ Petition filed by the petitioners was dismissed in limine. The petitioners being aggrieved by and dissatisfied with filed this petition for leave to appeal. This Court vide Order dated 24.11.2015 granted leave to appeal. Consequently notices were issued to the respondents and the case was heard today on 30.06.2016.

The learned counsel for the petitioners submits that the petitioners appointed in Works Department of Gilgit-Baltistan as Assistant Executive Engineer BPS-17 vide order dated 21.12.2012 on contract basis. Consequently, the petitioners joined their duties and continued their job up to 01.04.2014. He further submits that in the meantime the Gilgit-Baltistan PWD has sent twelve (12) posts of Assistant Executive Engineer to FPSC for direct recruitment and the same have already been filled in accordingly. He further submits that the petitioners have already working against those posts on contract basis. The respondent No. 02 has moved a summary for regularization of the service of the petitioners. He further submits that now the summary for regularization of the services of the petitioners has been withdrawn vide Office Order dated 30.10.2014 which was illegal, discriminatory, ab-initio and null and void. The petitioners being aggrieved filed Writ Petition No.

24/2015 before the learned Gilgit-Baltistan Chief Court which upon hearing was dismissed, hence, this petition for leave to appeal. He submits that according to a letter No.E-1/100/Admin/7/2012/1267 "Employment on Contract Basis" dated 06.12.2012 issued by the respondent according to the said letter the services of the petitioners can only be terminated giving them thirty (30) days notice on either side or payment of basic pay in lieu thereof without assigning any reason. The Clause 14 is mandatory in nature and the violation of it, is not condonable which vitiates the termination order being issued illegally without lawful authority. He finally submits that the impugned order dated 11.03.2015 passed by the learned Gilgit-Baltistan Chief Court in the result of misconception of law and misreading/non-reading of the facts of the case, therefore, the same is required to be set aside.

On the other hand the learned Advocate General supports the impugned order. He contends that the petitioners were appointed purely on contract basis and on completion of the period of the project the services of the petitioners cannot be regularized without the recommendation of the FPSC. All the posts from BPS-17 and above are appointed on the basis of the recommendation of the FPSC in accordance with law and rule. He further contends that the learned Gilgit-Baltistan Chief Court has rightly dismissed the Writ Petition of the petitioners vide judgment dated 11.03.2015 which is in accordance with law and facts of the case, hence, no

interference is warranted into it and the same is required to be maintained to meet the ends of justice.

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 11.03.2015 passed by the learned Gilgit-Baltistan Chief Court. The learned counsel for the petitioners could not point out any illegality and infirmity in the said impugned order. Consequently, we convert this petition into an appeal and the same is dismissed. Consequent thereto the impugned judgment dated 11.03.2015 in Writ Petition No. 24/2015 passed by the learned Gilgit-Baltistan Chief Court is maintained.

The appeal is dismissed in above terms.

Chief Judge.

Judge.

Judge.

Whether the case is fit to be reported or not?