

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

Before:-

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

**Civil Misc No. 58/2017
In
CPLA No. 41/2017.**

Azima Shaheen

Petitioner.

Versus

Provincial Government & others

Respondents.

PRESENT:-

1. Mr. Amjad Hussain Advocate alongwith Mr. Ali Nazar Khan Advocate-on-Record for the petitioner.
2. The Advocate General on behalf of the respondents
3. Mr. Johar Ali Advocate/legal Adviser Education Department Gilgit-Baltistan.

DATE OF HEARING: - 27.09.2017.

JUDGMENT.

Dr. Rana Muhammad Shamim, CJ..... This petition for leave to appeal has arisen out of the impugned order dated 16.12.2016 passed by Gilgit-Baltistan Service Tribunal whereby the Service Appeal filed by the petitioner was dismissed in limini, hence, this petition for leave to appeal. This court vide order dated 24.08.2017 issued notices to the respondents and the case is heard today.

2. The brief facts of the case are that the petitioner was initially appointed on contract basis as teacher in Education Department Gilgit-Baltistan on 01.03.2012. Later on, her services were regularized by the respondents on 14.06.2012. On 10.03.2014 on the recommendation of the Departmental Committee the

appointment order of the petitioner was withdrawn on the ground that the petitioner was appointed against a non-existing post without fulfilling the codal formalities i.e. advertisement, test/interview etc by constituting Departmental Selection Committee (DSC). The petitioner being aggrieved filed Service Appeal which was dismissed in limini by the Gilgit-Baltistan Service Tribunal.

3. The learned counsel for the petitioner submits that the petitioner was appointed by the competent authorities and she was performing her duties to the entire satisfaction to her superiors. Her services have been terminated illegally and without giving any reasons. He further submits that the petitioner was constrained to file Service Appeal in the learned Gilgit-Baltistan Service Tribunal which upon hearing was dismissed. Per learned counsel, the said impugned order is not sustainable and liable to be set aside by allowing this petition for leave to appeal.

4. On the other hand, the learned Advocate General supports the impugned order passed by the learned Gilgit-Baltistan Service Tribunal. He contends the petitioner has been appointed illegally and unlawfully by the unauthorized officer without fulfilling the codal formalities of the service rules. He further contends that the learned Gilgit-Baltistan Service Tribunal has rightly dismissed the Service Appeal of the petitioner as the same was not maintainable being barred by time. Admittedly, no Departmental Appeal was filed by the petitioner before approaching the learned

Gilgit-Baltistan Service Tribunal. He prays that the impugned order may graciously be maintained.

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 petitioner was appointed without fulfilling the codal formalities consequently a Special Recruitment Committee was constituted by the Gilgit-Baltistan Government to determine the suitability and eligibility of the teachers who were appointed without sanction posts, advertisement and test & interview. The said committee after scrutinizing the academic testimonials of the candidates and after conducting test and interviews, recommended withdrawal of appointment order of 43 teachers/Lab Assistants, LDC including the petitioner with immediate effect. Since, the petitioner was not fulfilling the requisite qualification her appointment/Regularization order was withdrawn on 10.03.2014. Admittedly, no departmental appeal was filed by the petitioner before approaching the Gilgit-Baltistan Service tribunal. Further, the service appeal filed in Gilgit-Baltistan Service Tribunal was hopelessly time barred by two (02) years four (04) months and four (04) days and no application was filed under Section 5 of the Limitation Act, 1908 for condonation of delay offering plausible and reasonable ground thereto. In our considered view, the impugned order is well founded as no infirmity has been pointed out by the learned counsel for the petitioner.

6. In view of the above discussions, we convert this petition into an appeal and the same is dismissed. Consequently, the impugned order dated 16.12.2016 passed by Gilgit-Baltistan Service Tribunal is affirmed.

7. The appeal is dismissed in above terms.

Chief Judge.

Judge.

Whether the case is Fit to be reported or Not?