

**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. 81/2017

In

CPLA No. 153/2016.

Chief Secretary /Chairman NATCO & 02 others

Petitioners.

Versus

Ali Madad Haydari

Respondents.

PRESENT:-

1. The Advocate General alongwith Mr. Saeed Iqbal, Deputy Advocate General for the petitioners.
2. Mr. Ali Madad Hydari (respondent) is present in person.

DATE OF HEARING/SHORT ORDER: - 27.11.2017.

DATE OF DETAILED JUDGMENT:- 26.01.2018.

JUDGMENT.

Dr. Rana Muhammad Shamim, CJ..... This Civil Petition has been directed against the impugned judgment dated 02.08.2016 in Writ Petition No. 37/2014 passed by the learned Chief Court whereby the said Writ Petition filed by the respondent was accepted. The petitioners being aggrieved by and dissatisfied with the said impugned judgment filed this petition for leave to appeal. Consequently, this court issued notice to the respondent and the case is heard today.

2. Briefly, the facts of the case are that the respondent filed Writ Petition No. 37/2014 in the learned Chief Court under Article 71 of the Gilgit-Baltistan (Empowerment & Self Governance) Order,

2009 seeking cancellation of letter dated 19.11.2013 issued by petitioner No. 03 i.e. General Manger, Admin & Personal (NATCO) Gilgit-Baltistan wherein the contract service of the respondent was terminated. Upon hearing the learned Chief Court was pleased to accept the said Writ Petition, hence, this petition for leave to appeal.

3. The learned Advocate General submits that the respondent was initially appointed as Assistant Traffic Manager (ATM) at Astore vide Office Order dated 20.10.2010 on contract basis for a period of 06 months. He also submits that according to the above contract employment, the respondent had to perform duty anywhere in Pakistan including Gilgit-Baltistan with a salary of 10,000/-. It was held in the Para-06 of above terms that on expiry of said contract period the respondent shall stand terminated. He further submits that the services of the respondent was not terminated rather it was extended up to 31.12.2011 and the salary of the respondent was also enhanced from 10,000/- to 12,000/- per month. Per learned Advocate General, on the basis of another order dated 03.01.2012, the contract services of the respondent as Assistant Traffic Manager NATCO Astore was further extended with effect from 31.12.2011 for further 06 months. Whereafter the services of the respondent were extended from time to time till 19.11.2013 wherein the salary of the respondent was again increased from 12,000/- to 15,000/- per month vide Order No. HO/PF/15422/2011 dated 16.09.2011. He submits that the services of the respondent were no more required to the petitioners.

As per terms and conditions of the contract employment, no notice was required at the time of termination of contract. The respondent, therefore, has no locus standi to file the Writ Petition in the learned Chief Court. The learned Chief Court fell in error in entertaining and accepting the said Writ Petition filed by the respondent, hence, the impugned judgment is not sustainable. He prays that the said impugned judgment may graciously be set aside.

4. The learned counsel and Advocate-on-Record for the respondent is not in attendance today inspite of notices served upon them. Mr. Ali Madad respondent is present in court today who supports the impugned judgment passed by the learned Chief Court. He submits that in pursuance of the Order of the learned Chief Court although he has been granted 50% of his salary whereas 50% has yet not been paid to him which may graciously be ordered to be paid to him.

5. We have heard the learned Advocate General and the respondent at length, perused the material on record and gone through the impugned judgment passed by the learned Chief Court. The learned Advocate General could not point out any illegality or infirmity in the said impugned judgment.

6. In view of the above no interference in the impugned judgment is warranted by this court. This petition is converted into an appeal and the same was dismissed vide our short order dated 27.11.2017. Consequently, the impugned judgment dated 02.08.2016 in Writ Petition No. 37/2014 passed by the learned

Chief Court is affirmed. These were the reasons of our said short order.

7. The appeal is dismissed in above terms.

Chief Judge.

Judge.

Whether the case is Fit to be reported or Not?