

IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN

(Original Jurisdiction)

S.M.C. NO. 06/2010

(Dilapidated condition of roads/cleanness in Gilgit City)

Mr. Justice Muhammad Nawaz Abbasi, Chief Judge

Mr. Justice Muhammad Yaqoob, Judge

Advocate General Gilgit-Baltistan

Chief Engineer Gilgit Region

XEN B&R Division Gilgit

Chief Officer Municipal Committee Gilgit

Date of hearing: 11-11-2010

ORDER

Justice Muhammad Nawaz Abbasi, C.J.:- The Chief Officer Municipal Committee has submitted that to improve the civic condition of Municipal area, the city has been divided into two zones. In zone-1, Jutial Bala and Jutial payeen, Sonikot, Kashroot noth, Kashroot south, Nagral, Konodas and Naseem Cinema Choke is included, whereas the areas of Majini Mohalla, Domiyal bala, Domiyal Payeen, City area, Hospital colony, Nagral bala, old Polo Ground, Amphary, Baseen Bala, and Baseen Payeen are in zone II and available staff has been accordingly deputed under the supervision of Sanitary Inspector with two sub-Sanitary Inspectors in each zone and that as a result of that arrangement lot of improvement has been made in cleanness of the City. He stated that efforts are being made to further improve the position within available sources and undertakes to maintain the improved position on regular basis without any latitude and will submit progress report to the Registrar of this court for our perusal in chamber.

The Chief Engineer B&R Division Gilgit states that the contract for the construction of roads from Public School Choke to Jutial Bus stand and from

Jutial check post to Sakwar Chungi were given about three years ago but contractors have abandoned these projects and department has no option except to invoke clause-3 (c) of the contract. He states that case is at the stage formal order and within a week the order will be passed for the completion of the left over work of both the projects at the cost and risk of the contractors and that fresh contracts shall be awarded with issue of work order before 15th December 2010.

Mr. Basharatullah XEN B&R Division has stated that incompliance of the order of this court in respect of different projects subject matter of litigation before this court in which Judicial complex and Konodas RCC Bridge are included, he following the instruction of the Higher Authorities, strictly in accordance with law made efforts to complete these projects, but instead of appreciating his performance, his service career has been put at stance by the persons of vested interest.

The Chief Engineer stated that as a result of efforts made by XEN B&R Division Gilgit, the projects which have been abandoned by the contractors at the cost of public time and money have been revived.

The harassment of an Official for performance of duty rightly in compliance of the orders of this Court would amounts to frustrate the order of the court and Chief Secretary may take notice of the matter.

Keeping in view of the position explained by Chief Engineer and Chief Officer of the Municipal Committee, further proceeding in the matter are closed with direction that Chief Engineer and Chief Officer Municipal

Committee will submit progress report on the subject matters for our perusal in chamber.

This is not the function of this court to control the administrative affairs of the departments of Government of Gilgit-Baltistan or interfere in the policy matter of the Government, rather the court being custodian of legal rights of the people may interfere in the matters which involve public rights. There is general complaint of undue favour in public projects and poor performance of WASA and works Department of Gilgit-Baltistan which are responsible to maintain water Supply Schemes and public roads etc. The Government incurred huge development and underdevelopment expenditure for the improvement of the roads and water supply scheme etc but this is sad that due to the inefficiency of these departments no visible improvement is made in the projects of public utility, as a result thereof, the public money and time, without any substantial work useful to a common person go waste.

Keeping in view the poor performance of these departments, it will be appropriate to observe that the Chief Secretary while taking notice of the situation, may propose to the higher authorities for the establishment of an independent development authority for the development of Gilgit-Baltistan in the public interest. Disposed of.

Chief Judge

Judge