

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

Before:-

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

CPLA No. 96/2016.

Ghulam Nabi

Petitioner.

Versus

Provincial Government & others

Respondents.

PRESENT:-

1. Mr. Sharif Ahmed Advocate alongwith Mr. Ali Nazar Khan Advocate-on-Record for the petitioner.
2. The Advocate General Gilgit-Baltistan on behalf of the respondents.

DATE OF HEARING: - 27.09.2017.

Order.

Dr. Rana Muhammad Shamim, CJ..... This Civil Petition has arisen of the impugned judgment dated 11.05.2016 passed by the learned Gilgit-Baltistan Service Tribunal whereby the Service Appeal No. 506/2014 filed by the petitioner was dismissed, hence, this petition for leave to appeal.

2. The learned counsel for the petitioner submits that the petitioner was appointed as Store Supervisor BPS-16 through FPSC. The predecessor of the petitioner namely Mr. Akhtar Hussain Admin Officer BPS-17 retired from service on 28.12.2009 and due to his retirement, the post of Admin Officer has fallen vacant. Consequently, the petitioner moved an application for his promotion against the said post as a matter of right. Per learned counsel, the

department processed the case of the petitioner but the DPC could not be held due to the malafide intention of the respondents. Consequently, the petitioner has been promoted as Admin Officer on 09.08.2011 instead of 28.12.2009. He submits that due to the delay in promotion of the petitioner, he suffered financial loss for a period of 01 year and 08 months. He submits that the petitioner filed Service Appeal No. 506/2014 in the learned Gilgit-Baltistan Service Tribunal which upon hearing was dismissed vide the impugned judgment dated 11.05.2016. He submits that the learned Gilgit-Baltistan Service Tribunal fell in error while passing the impugned judgment, hence, the same is not sustainable.

3. We have heard the learned counsel for the petitioner at length, perused the material on record and gone through the impugned judgment dated 11.05.2016 passed by the learned Gilgit-Baltistan Service Tribunal. Admittedly, the summary of the petitioner's promotion was moved on 30.04.2010 which was approved after completing all codal formalities and accordingly promoted on 09.08.2012. the petitioner had earlier also filed Writ Petition No. 66/2010 in the learned Chief Court praying therein that he was neglected for promotion by the respondents which upon hearing was dismissed on 10.11.2010. The promotion is not a vested right of the petitioner as claimed by him. There is no provision in the Service Rules to give the promotion retrospectively rather it can be given with prospective effect as provided under Section 8(3) of the

Gilgit-Baltistan Civil Servants Act, 2011. For ready reference the said provision of law is reproduced as under:-

“Quote”

Promotion shall be granted with immediate effect and be actualized from the date of assumption of charge of higher post and shall in no case be granted w.e.f the date of availability of the post reserved for promotion.

“Unquote”

4. Further, the petitioner did not file Departmental Appeal before filing Service Appeal in the learned Gilgit-Baltistan Service Tribunal which was mandatory in nature. In our considered view, the impugned judgment passed by the learned Gilgit-Baltistan Service Tribunal is well reasoned as the learned counsel for the petitioner could not point out any infirmity or illegality in the impugned judgment.

5. In view of the above discussions, we are not inclined to grant leave to appeal. The leave is accordingly refused.

6. The leave is refused.

Chief Judge.

Judge.

Whether the case is Fit to be reported or Not?