

IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN

Cr. Misc. Application No.09/2010

Jamshid Ali SP Crime Branch.C.P.O. and others.

Petitioners

VERSUS

Chief Secretary Gilgit-Baltistan & Others.

Respondents

Mr. Ali Nazar A.O.R
Mr. Amjad Hussain Advocate.

ORDER DATED 07-07-2010

Petitioners preferred a Review petition under Order 5 Rule 3 of Supreme Appellate Court rules 2008, whereby the petitioners challenged the interim order passed by the Division Bench of this Court dated 22-6-2010, on the ground that the impugned order along with letter dated 21-06-2010 written by I.G.P. Gilgit-Baltistan, to the Chief Secretary Gilgit-Baltistan, recommending Anti date promotion of Mr. Muhammad Raiz D.S.P. with effect from 20-04-2006, may kindly be set aside, as the said letter has been issued without any justification and law full grounds.

After perusal of the review petition, the Registrar of this Court has taken legal objections vide order dated 1-07-2007 with the direction, to remove the deficiencies/objections and be submitted the same within three days.

Replication received through AOR on 2-07-2010, wherein they have tried to their best to remove the legal objections raised by the Registrar of this Court. The reply submitted by A.O.R. is not consonant within the parameters of objections raised by the office. Therefore, the Registrar asked to the party to prefer an appeal, if aggrieved from the objections raised under the Supreme Appellate Court Rules 2008.

Resultantly they preferred an appeal under order 5 sub Rule 3 of Supreme Appellate Court, Rules, 2008, the same appeal has been entrusted to this Chamber by his lordship **Muhammad Nawaz abbasi, Chief Judge**, for hearing and disposal.

Arguments heard at length. I have anxiously considered the respective arguments of the learned counsel for petitioners and have examined the record, appended herewith. Undeniable, I came to the conclusion, that the appeal preferred by the applicants against the legal objections raised by the Registrar of this Court is not maintainable, hence liable to be rejected on the following grounds:-

i) The contempt petition which is subjudice for adjudication, is a matter between the court and contemnor, third party would not intervene in the contempt petition. Moreover, the impugned order passed by Division Bench of this court is purely interlocutory in nature and not the final one. The review petition filed by the petitioners against the order is incompetent until and unless it can attain finality and affect the precious rights of any aggrieved party.

ii) That when I visited the order of this court dated 22-06-2010, it is crystal clear and un-ambiguous which clearly transpires “**that without prejudice to the rights of any person the case of the petitioner may be considered in accordance with law.**”

the apprehension of the petitioner at this stage is pre-mature one. The second and most important legal point is that the petitioners are not the party in the contempt proceedings before this court and they are not competent to file the instant petition. However, if they are aggrieved from the order passed by competent authority in pursuance of this Court order dated 22-06-2010, the said party may avail remedy as provided under the law before the competent forum.

What has been discussed above, this appeal has no merit in it and is accordingly dismissed. File be consigned to record.

Announced
07-07-2010

JUDGE

