

**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. 63/2016
In
Under Objection No. 07/2015.**

Muhammad Shahid & others

Petitioners.

Versus

VC KIU & others

Respondents.

PRESENT:-

1. Mr. Manzoor Ahmed Advocate alongwith Mr. Ali Nazar Khan Advocate-on-record for the petitioners.
2. Mr. Mir Akhlaq Hussain Advocate on behalf of respondents.

DATE OF HEARING: - 15.08.2017.

JUDGMENT.

Dr. Rana Muhammad Shamim, CJ..... This Civil Appeal has been directed against the impugned judgment 22.09.2014 in Writ Petition No. 81/2012 passed by the learned Chief Court whereby the said Writ Petition filed the petitioners was dismissed being meritless. The petitioners being aggrieved by and dissatisfied with filed this petition for leave to appeal. This court vide order dated 07.09.2016 granted leave to appeal and the case is heard today.

2. Briefly the facts of the case are that the petitioners were appointed as lecturer BPS-18 on various dates under KIU purely on contract basis later on, their services were regularized in pursuance of this court judgments dated 29.04.2010, 20.09.2008 and 14.04.2008 passed by this court. They are still performing their

duties on regular basis, however, they preferred Writ Petition No. 81/2012 in the learned Chief Court with the prayer that their services may be regularized from the date of initial appointment in line with the judgments dated 29.04.2010, 20.09.2008 and 14.04.2008 passed by this court in various appeals so filed by their colleagues as the authorities of Karakoram International University (KIU) are not ready to regularized their services on the ground of equal treatment. Per averments of the respondents since the services of the petitioners have been regularized, therefore, their services can not be regularized from the date of initial appointment. Upon hearing the said Writ Petition was dismissed being meritless, hence, this petition for leave to appeal.

3. The learned counsel for the petitioners submits that the petitioners are serving as Lecturers in various disciplines under Karakoram International University (KIU). He further submits that the petitioners alongwith other lecturers who were performing their duties in the KIU Gilgit-Baltistan filed departmental appeals to regularize their services but the same were refused by the competent authorities. He also submits that the petitioners being aggrieved filed Writ Petition No. 81/2012 before the learned Chief Court which upon hearing was dismissed vide impugned judgment dated 22.09.2014. Per learned counsel the petitioners being aggrieved filed leave to appeal before this court which upon hearing was accepted vide judgment dated 29.04.2010, wherein the respondents were directed that the contractual services of the

candidates already serving in the KIU be regularized against the posts held by the petitioners. He further submits that whereafter there Review petitions have been filed before this apex court which upon hearing were accepted vide consolidated judgment dated 29.04.2015 and the respondents were again directed to place the petitioners before the Selection Board for final selection. Per learned counsel the respondents did not comply with the directives of the judgment dated 29.04.2010 and the consolidated Review judgment dated 22.09.2014 passed by this court. He submits that the respondents in compliance of the aforementioned judgments of this apex court regularized the services of some petitioners/incumbents from their initial date of appointment while the services of other petitioners were regularized from the date of First Writ Petition and remaining incumbents have been regularized from the date of meeting of the Selection Board whereas the services of the present petitioners have yet not been regularized and they have been kept on contract basis. He submits that the petitioners being aggrieved by and dissatisfied with filed Writ Petition No. 81/2012 before the learned Chief Court which upon hearing was dismissed vide impugned judgment dated 22.09.2014, hence, the same is not sustainable.

4. On the other hand, the learned counsel for the respondents supports the impugned judgment 22.09.2014 in Writ Petition No. 81/2012 passed by the learned Chief Court. He contends that initially the petitioners and so many candidates were

appointed as lecturers on contract basis but later on for regularization of the posts under contract occupied by the petitioners and other candidates. He also contends that the University advertised the posts in Newspaper and consequent upon the advertisement the petitioners and other suitable candidates who were working on contract basis applied for the posts and later on joined the process of test/interview conducted by Behria University but unfortunately the petitioners did not qualify the test/interview. Per learned counsel the candidates who passed the test were invited to appear before the Selection Board of the University for interview whereas the petitioners who were failed in the written test were not called for the interview. He reiterates that the petitioners who and other candidates who were failed in the written test were disqualified to be appeared before the Selection Board of the University. The petitioners being aggrieved filed Writ Petition in the learned Chief Court which were dismissed. Consequently, the petitioners preferred petition for leave to appeal in this court which upon hearing were decided vide judgment dated 20.09.2008 in CPLA No. 07/2008. The petitioners again filed Review Petitions which were also decided through common judgment dated 29.04.2010 by this court wherein modes and method for regularization of the services of the petitioners were made. Per learned counsel vide the said judgment this court categorized the candidates into three categories i.e. "A", "B" and "C". Accordingly, the candidates falling in category "A" were exempted from appearing

before the Selection Board for interview whereas the candidates falling in category "B" and "C" are directed to appear before the Registrar of the University and the Registrar was directed to place their case before the Selection Board for final selection. He contends that in compliance of the directives of this court the case of the petitioners was placed before the Selection Board resultantly, they appeared but the said Selection Board did not recommend them for final selection on regular basis keeping in view their poor performance. He contends that, however, the petitioners were kept on contract basis purely on humanitarian ground. Per learned counsel after joining their contract services the petitioners again filed a Misc. Petition No. 33/2011 in this apex court with the prayer that the judgment dated 29.04.2010 of the apex court may be implemented directing their contractual appointments be regularized. This court by accepting the petition directed the authorities of the university to regularize the contractual services of the petitioners and accordingly the university authorities have regularized the services of the petitioners according to the spirit of the judgment of this ape court. He contends that there was no directive contained in the judgment for regularizing the services of the petitioners from the date of their initial appointment. He prays the impugned judgment 22.09.2014 in Writ Petition No. 81/2012 passed by the learned Chief Court may graciously be maintained.

5. We have heard the learned counsels for the respective parties at length, perused the record of the case file and gone

through the impugned judgment 22.09.2014 in Writ Petition No. 81/2012 passed by the learned Chief Court. In our considered view, the impugned judgment 22.09.2014 in Writ Petition No. 81/2012 passed by the learned Chief Court is well reasoned and well founded and no interference is warranted into it. The services of the petitioners have already been regularized by the respondents and they have been enjoying their services since last many years.

6. In view of the above discussions, we dismiss this appeal. Consequent thereto, the impugned judgment 22.09.2014 in Writ Petition No. 81/2012 passed by the learned Chief Court is affirmed.

7. The appeal is dismissed in above terms.

Chief Judge.

Judge.

Whether the case is Fit to be reported or Not?