

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

Before:-

Mr. Justice Dr. Rana Muhammad Shamim, Chief Judge.

Mr. Justice Javed Iqbal, Judge.

C. Misc. No. 21/2014

CPLA. No. 05/2013.

Muhammad Abuzar s/o Balinas Resident of Thore Chilas Diamer.

Petitioner.

Versus

1. Chairman PARC Blue area Islamabad.
2. Member Northern Region Pakistan Research Council Blue Area Islamabad.
3. Director General Karakorum Agriculture Research Institute for Northern Areas (KARINA), PARC, Juglote Gilgit.
4. Mr. Shamshad s/o Haji Hajjan c/o Director General Karakorum Agricultural Research Centre Juglote Sai.

Respondents.

PETITION FOR LEAVE TO APPEAL UNDER ARTICLE 65 OF GILGIT-BALTISTAN (EMPOWERMENT & GOVERNANCE) ORDER, 2009 WITH ORDER XIII OF SUPREME APPELLATE COURT NORTHERN AREAS (AMENDED) RULES 2008 AGAINST THE JUDGMENT OF THE N GILGIT-BALTISTAN CHIEF COURT DATED 14.09.2011 IN WRIT PETITION NO. 80/2009 WHEREBY THE CHIEF COURT HAS DISMISSED THE WRIT PETITION.

PRESENT:-

1. Mr. Malik Shafqat Wali senior Advocate alongwith Mr. Johar Ali Khan Advocate-on-Record for the petitioners.
2. Mr. Muhammad Riaz Advocate on behalf of the respondents.

DATE OF HEARING: - 23.06.2016.

JUDGEMENT.

Dr. Rana Muhammad Shamim, CJ.....This petition for leave to appeal has been arisen out of the Impugned Judgment dated 14.09.2011 in Writ Petition No. 80/2009 passed by the

learned Gilgit-Baltistan Chief Court wherein the Writ petition of the petitioner was dismissed declaring the same as meritless. The petitioner being aggrieved filed this petition for leave to appeal.

2. The brief facts of the case are that the petitioner was appointed as Assistant/Store Keeper (BPS-9) on contract basis vide office order dated 11 December, 2007 under the following terms & conditions:-

1. His appointment will be made on contract basis which will not confer upon him any title to or permanent appointment in the PARC.
2. Head Quarter of the post is at Juglote but he can be changed at the option of PARC and he will be liable to serve anywhere in Pakistan.
3. His appointment will be governed in accordance with PARC/ Government Rules & Regulations.
4. This order will be effective with effect from 01.12.2007 to be further order.

In pursuance of the above office order the petitioner served for one year on contract basis subsequently, the services of the petitioner have been terminated vide order dated 29 September, 2008 due to non availability of the fund etc.

3. The learned counsel for the petitioner submits that the Cabinet Secretariat, Establishment Division, Government of Pakistan issued an Office Memorandum No. 10/30/2008-R-II dated 29th August, 2008 wherein all the contract employees serving in BPS-1 to BPS-15 in all Federal

Ministries/Divisions/Attached Departments / Subordinate offices/Autonomous Bodies/Corporations have been regularized except the petitioner which is discriminatory in nature. The respondents did not regularize the services of the petitioner at par with other contract/contingent employees of PARC which is again not an equal treatment, hence, the termination order dated 29.09.2008 issued by the respondent No. 03 is illegal, void and unlawful, therefore, the same is required to be set aside to meet the ends of justice. He submits that the learned Chief Court while passing the impugned judgment dated 14.09.2011 could not apply its judicial mind and subsequently failed to understand the case of the petitioner and dismissed the writ petition of the petitioner wrongly on the solely ground of lacking of requisite qualification for the impugned post, hence, the said impugned judgment is required to be set aside being the result of misconception of law and misreading /non reading of the facts of case. He finally submits that the petitioner may be appointed as store man BPS-09.

4. On the other hand, the learned counsel for the respondent supports the impugned judgment dated 14.09.2011 in writ petition No. 80/2009 passed by the learned Gilgit-Baltistan Chief Court. He contends that the learned Chief Court has rightly dismissed the writ petition filed by the petitioner as the same was not sustainable. The petitioner being not a graduate was not eligible for the post of Assistant/Store Keeper against which he was appointed on contract basis. He further contends that the Rules

and Regulations of Pakistan Agricultural Research Council does not permit to appoint a non graduate individual against the post of Assistant-cum-Store Keeper (BPS-11).

5. We have heard both the learned counsels for the respective parties at length, perused the record of the case file and gone through the impugned judgment dated 14.09.2011 in Writ Petition No. 80/2009 passed by the learned Gilgit-Baltistan Chief Court as well as other material available on record. The learned counsel for the petitioner could not point out any infirmity & illegality in the said impugned judgment, hence, the petition is converted into an appeal and the same is dismissed. Consequently, the impugned judgment dated 14.09.2011 in Writ Petition No. 80/2009 passed by the learned Gilgit-Baltistan Chief Court is maintained.

6. The appeal is dismissed in above terms.

Chief Judge.

Judge.

Whether the case is fit to be reported or not?