

**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. 26 /2018

In

CPLA No.20/ 2016.

Nisar Alam son of Muhammad Ayub Lecturer Department of
Economics KIU Gilgit. **Petitioner.**

Versus

Vice Chancellor Karakorum International University & others.
Respondents.

PRESENT:-

1. Mr. Shakoor Khan Advocate for the petitioner.
2. Mr. Javed Akhtar advocate for the respondent.

DATE OF HEARING: - 05. 06.2018.

JUDGMENT.

Dr. Rana Muhammad Shamim, CJ..... This appeal has arisen out of the impugned order dated 15.12.2015 in Civil Misc No. 325/2015 passed by the learned Chief Court whereby the said Civil Misc. filed by the petitioner for initiation of contempt proceeding against the respondents was refused to be admitted for regular hearing, hence, this petition for leave to appeal for setting aside the same by granting back benefits/arrears to the petitioner. This Court vide order dated 24.03.2016 issued notices to the respondents and the case is heard today.

2. Briefly, the facts of the case are that the respondent was initially appointed as Lecturer in Karakorum International University on 07.03.2008 on contract basis for a period of two years. The services of the respondent were terminated on

24.09.2008 on account of violation of the Service Rules. Consequently, he preferred a departmental appeal before the Review Committee of KIU which was accepted and the he was re-instated on his contractual service with some extra conditions. The respondent accepted the said conditions and joined his contract services on 01.02.2009. During the contractual Services of the respondent, the petitioners advertised some posts of lectures in the daily newspaper K-2 dated 30.12.2009 for appointment as per Rules of KIU Gilgit-Baltistan. The respondent & twenty one (21) others being aggrieved by and dissatisfied with the said advertisement filed a Writ Petition No. 03/2010 in the learned Chief Court which upon hearing was accepted vide judgment dated 25.10.2010. Since, the said judgment has not been implemented by the respondents despite lapse of three years, therefore, the petitioner move Civil Misc No. 207/2013 for implementation of the said judgment which upon hearing was accepted vide order dated 03.06.2014. Consequently, the respondents appointed the petitioner as Lecturer on permanent basis on 25.10.2010. The petitioner again filed Civil Appeal No. 26/2018 contending therein that Contempt proceedings under Article 75 of The Gilgit-Baltistan Empowerment & Self Governance) Order, 2009 may be initiated against respondents for not implementing the order of the learned Chief Court which upon hearing was refused to be admitted for regular hearing.

3. The learned counsel for the petitioner contends that since respondents have partially implemented the Judgment dated 25.10.2010 passed in Writ Petition No. 03/2010 in compliance of the order dated 03.06.2014, therefore, the petitioner filed contempt petition against the respondents which was refused to be admitted for regular hearing vide impugned order dated 25.12.2015 passed in Civil Misc. No. 325/2015. He contends that although the services of the petitioner have been regularized on 25.10.2010 but the arrears/back benefits on account of pay/ allowances have not been paid to him instead of the orders passed by the learned Chief Court, Per learned counsel, the learned Chief Court did not consider that despite the appointment of the petitioner w.e.f. 25.10.2010, he has been deprived from his legitimate right of arrears against the said period on account of pay & allowances. He submits that the learned Chief Court fell in error while passing the impugned judgment dated 15.12.2015; therefore, the same is not tenable. He prays that the said impugned judgment passed by the learned Chief Court may pleased be set aside by directing the respondents (KIU authorities) to pay the arrears/back benefits to the petitioner to meet the ends of justice.

4. On the other hand, the learned counsel for the respondents supports the impugned order which according to him is well reasoned and well founded. He prays that the said impugned order may very graciously be maintained.

5. We have heard the learned counsels for the respective parties at length, perused the material on record and gone through the impugned order dated 15.12.2015 in Civil Misc. No. 325/2015 passed by the learned Chief Court. Admittedly, the Judgment dated 25.10.2010 passed in Writ Petition No. 03/2010 by the learned Chief Court has already been implemented by the respondents by appointing the petitioner as lecturer (BPS-18) on permanent basis vide Office Order No. KIU-Admin-1(15)/2011/2407 dated 03.06.2014. The filing of the contempt petition by the petitioner is not sustainable which has rightly been refused to be admitted for regular hearing by the learned Chief Court through its well reasoned and well founded impugned order. Further, the learned counsel for the petitioner failed to point out any illegality & infirmity in the impugned order, hence, no interference is warranted into it.

6. In view of the above discussions, we convert this petition into an appeal and the same is dismissed. Consequent thereto, the impugned order dated 15.12.2015 in Civil Misc No. 325/2015 passed by the learned Chief Court is upheld.

7. The appeal is dismissed in above terms.

Chief Judge.

Judge.