

**THE SUPREME APPELLATE COURT GILGIT-BALTISTAN
GILGIT**

Before:

1. Mr. Justice, Syed Arshad Hussain Shah, CJ
2. Mr. Justice, Wazir Shakil Ahmed, Judge

Civil Misc. No:-134/2019

In

Under Objection No. 105/2019

Federal Public Service Commission through its Chairman

Petitioner

Versus

1. Ehsan-ul-Haq s/o Sher Afzal Khan Resident of Diamer Colony Jutial Gilgit.

Respondent

2. The Provincial Government of Gilgit-Baltistan through Chief Secretary Gilgit-Baltistan, Gilgit.
3. The Secretary Kashmir & Gilgit-Baltistan Affairs Division, Islamabad.
4. The Secretary Services & General Administration Department Gilgit-Baltistan, Gilgit.
5. Shaista Shehbaz D/o Shehbaz Khan R/o Tehsil Puniyal District Ghizer.
6. Ammara Tabassum D/o Muhammad Afzal Khan R/o Noor Colony Jutial Gilgit.
7. Arifa D/o Muhammad Asfar R/o Mohallah Khomar Yarkot Gilgit.
8. Saadat Ali Changezi S/o Hussain Ali R/o Dakpura Gilgit.
9. Syed Saqib Hussain.

Proforma Respondent

PRESENT

1. The Deputy Attorney General Pakistan for Gilgit-Baltistan for the Petitioner.
2. Mr. Nasir Hussain Assistant Director FPSC Gilgit.

Date of Hearing: 1st July, 2020.

JUDGMENT

Wazir Shakil Ahmed, J----- The above tilted matter was put up before us on 29.06.2020, for preliminary hearing and the same was adjourned for today i.e. 01.07.2020, as the learned Deputy Attorney General Pakistan for Gilgit-Baltistan, apprised the Court that the institution of the matter in hand was not within his knowledge, it was also brought into the notice of this Court that despite having knowledge/information, the Assistant Director FPSC, failed to mark his attendance before this Court on appointed date i.e. 29.06.2020, so the matter was fixed for today i.e. 01.07.2020.

2. The learned Deputy Attorney General Pakistan for Gilgit-Baltistan, while arguing her matter, opted to read the concluding paras of the impugned judgment/order dated 27.03.2019, of the learned Chief Court Gilgit-Baltistan, which resulted into the filing of the present petition.

3. Brief facts of the case are that the answering respondent was one of 213 candidates, who qualified the test conducted by the present petitioner i.e. Federal Public Service Commission, for the posts of Assistant Commissioner, Section Officer, Project Manager, Tehsildar and Development Officer. There were 28 vacant posts of categories mentioned above along with 05 quota seats reserved for women and minorities. The name of the respondent was not reflected in the final list of 33 candidates who were recommended for appointment on the basis of their securing marks in the written test/viva voce, being below merit than other qualified candidates, which culminated into the filing of writ petition bearing No. 189/2018, before the

learned Chief Court Gilgit-Baltistan, wherein the present respondent called in question the recommendation of some selected female candidates having being secured less marks as compared to the present respondent.

4. During the pendency of the said writ petition the name of the present respondent was also recommended by the present petitioner named above, as some one or two successful candidates did not opt to join the posts for which they were held entitled to.

5. Keeping in view the developed scenario, the learned Chief Court Gilgit-Baltistan was apprised about the fact that not a single person from minorities had applied for recruitment against any of the reserved posts for the minorities. Resulting which the posts against the quota of minorities is still vacant in order to advertise the same again.

6. It is an admitted state of fact that in the whole area of Gilgit-Baltistan, there is no permanent resident having minority status, resulting which not a single person can be named as a successful candidate of any of the competitive examination against the minority quota.

7. We are of the firm opinion that no fruitful purpose shall be served by holding the post against minority quota in Gilgit-Baltistan, because of the hard fact mentioned above that there is no existence of any minority in all the 10 Districts of Gilgit-Baltistan.

8. So the learned Division Bench Chief Court Gilgit-Baltistan has not committed any illegality and irregularity by

directing to appoint the present respondent as Tehsildar against the vacant post, failing which it was also decided that he may be appointed against any already vacant post of minorities.

9. On the peculiar circumstances of the present case where the present respondent is admittedly already working as Naib Tehsildar, who has gained ample experience in the relevant field and he has got a strong case for appointment as Tehsildar.

10. We are otherwise of the opinion that the present petitioner i.e. Federal Public Service Commission, bitterly failed to prove their entity as an aggrieved party in the lis for that matter, the Provincial Government was indeed an aggrieved party whose petition for leave to appeal has already been dismissed being hopelessly time barred.

11. In the light of what has been discussed above, this petition merits nothing else than dismissal, which is accordingly ordered.

Announced
01.07.2020

Chief Judge

Judge

Whether the case is fit to be reported or Not?