

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

Before:

Mr. Justice Rana Muhammad Shamim, Chief Judge.

Mr. Justice Javed Iqbal, Judge.

Civil Appeal. No. 01/2017

in

CPLA. No. 100/2015.

Muhammad Yasin & another

Petitioners.

Versus

VC KIU & others

Respondents.

PRESENT:-

1. Mr. Asadullah Advocate alongwith Mr. Munir Ahmed Advocate and Mr. Ali Nazar Khan Advocate-on-Record for the petitioners.
2. Mr. Mir. Akhlaq Hussain Advocate on behalf of respondent No. 01, 02, 03, 05, and 08.
3. Mr. Muhammad Abbas Khan Advocate on behalf of the respondent No. 07.

DATE OF HEARING: - 02.03.2017.

DATE OF DETAIL JUDGMENT: - 14.03.2017.

JUDGMENT.

Dr. Rana Muhammad Shamim, CJ..... This petition for leave to appeal has been directed against the impugned judgment dated 24.08.2014 in Writ Petition No. 13/2012 passed by the learned Chief Court wherein the said Writ Petition of the present petitioners was dismissed on merit, hence, this petition for leave to appeal.

2. Briefly facts of the case are that the petitioners were appointed on contract basis in the Department of Modern

Languages by the Karakoram International University (KIU) Gilgit-Baltistan after fulfilling the codal formalities i.e. test/interview keeping in view the distinction of the petitioners. The petitioners rendered their services as Lecturers BPS-18 from 2008 to 2012 on contract basis. In the year 2011 the respondents advertised two regular posts of lecturers. The petitioners filed appeal against the advertisement dated 12.07.2011 to the learned Vice Chancellor, KIU, Gilgit-Baltistan praying therein to regularize the petitioners against the said advertised posts. The said appeal was dismissed by the University Management and the respondents have been appointed instead of absorbing the petitioners. Later on two more posts of lecturers of the said faculty were also advertised and four individuals, who qualified after test and interview have been appointed who according to the petitioners were not competent to be recruited against the posts of lecturers BPS-18. The petitioners being aggrieved filed Writ Petition before the learned Chief Court which upon hearing was dismissed, hence, this petition for leave to appeal. This court vide order dated 13.11.2015 issued notices to the respondents and the case was finally heard on 02.03.2017. Consequently, the petition of the petitioners was converted into an appeal and the same was dismissed vide our said short order by maintaining the impugned judgment of the learned Chief Court.

3. The learned counsel for the petitioners submits that the petitioners were appointed as lecturers BPS-18 on contract basis keeping in view their outstanding academic background and

teaching experience. They have rendered their services w.e.f 2008 to 2011 to the entire satisfaction of competent authorities. He also submits that the appointment of the petitioners was made after fulfilling the requisite criteria i.e. after conducting test/interview. He submits that later on their appointment was withdrawn without any reasons and the University Administration appointed other candidates who were not even fulfilling the criteria fixed for such appointments. One of the candidate i.e. respondent No. 07 does not fulfill the requisite CGPA whereas respondent No. 06 was just having degree of M.A (English) and they had been appointed on the policy of pick & choose. He further submits that the case of the petitioners is of identical one with the petitioner in case of Shahid Malik versus KIU, Qamar Abbas etc versus VC KIU, Syed Mazhar Ali Shah versus VC KIU, Kaneez Fatima versus VC KIU and Iftikhar Hussain versus VC KIU whose appeals have been accepted by this Hon'ble Court. Subsequently, their services have been regularized. He adds that the respondents regularized Mr. Mushtaq Ahmed lecturer International Relations and Mr. Zaidullah lecturer Computer Sciences who have not been recommended by the Selection Board. The petitioners were discriminated and not treated equally amongst equals. Per learned counsel for the petitioners the case of the petitioners falls under Para-"C" of the judgment dated 24.08.2015 passed by this Hon'ble Court wherein it was held that there is no need of any test/interview for such candidates who have already gone through a process of test/interview and got

contractual services in the University in question. He finally submits that the impugned judgment dated 24.08.2014 in Writ Petition No. 13/2012 passed by the learned Chief Court is the result of misconception of law and misreading/ non-reading of the facts of the case, hence, the same is not tenable.

4. On the other hand, the learned counsels for the respondents support the impugned judgment dated 24.08.2014 in Writ Petition No. 13/2012 passed by the learned Chief Court. They contend that the petitioners were appointed on contract basis for a specific period and upon expiry of the said period their services were terminated by the University Authorities as per policy and recruitment rules. They also contend that the services of the candidates can only be regularized after going through the test/interview and subsequent recommendation by the Selection Board. They further contend that the petitioners appeared in the test & interview conducted by the Selection Board held on 07.01.2012 and 22.02.2012 but they failed to qualify the interview. Per learned counsels for the respondents the petitioners neither appeared in the Selection Board nor they qualified the test/interview. They add that the KIU is an autonomous institution and bound to act upon the University Order, 2008 as envisaged by the Federal Universities Ordinance, 2002 (CXX of 2000). According to the said Ordinance all the permanent appointments from BPS-17 and above are to be made with the recommendation of the Selection Board. They finally contend that the learned Chief Court has rightly

dismissed the Writ Petition so filed by the petitioners vide impugned judgment dated 24.08.2014, hence, the same is to be maintained being delivered in accordance with law and facts of the case. They prayed that the said impugned judgment may very 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 dated 24.08.2014 in Writ Petition No. 13/2012 passed by the learned Chief Court Gilgit-Baltistan. Admittedly, the petitioners appeared before the Selection Board of the University which is the only forum to regularize the services of the candidates as per settled rules of the University. Unfortunately the petitioners could not qualify, consequently the Selection Board did not recommend them for regular appointment.

6. We have also been fortified from the judgment of the Hon'ble Supreme Court of Pakistan reported as 2010 SCMR 115, according to the said judgment no petition can be filed & entertained without impleading the Federal Government and fulfilling the mandatory provisions as enumerated in Article 174 of The Constitution of Islamic Republic of Pakistan. Furthermore, the learned counsel for the petitioners could not point out any illegality/irregularity in the impugned judgment passed by the learned Chief Court. In our considered view the impugned judgment is well reasoned and no interference is warranted into it.

7. In view of the above discussions, we converted this petition into an appeal and the same was dismissed vide our short order dated 02.03.2017 by maintaining the impugned judgment dated 24.08.2014 in Writ Petition No. 13/2012 passed by the learned Chief Court. These were the reasons for the said short order.

8. The appeal is dismissed in above terms.

Chief Judge.

Judge.

Whether the case is Fit to be reported or Not?