

**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. 40/2017
In
CPLA No. 44/2015.**

Nigar Ahmed & others

Petitioners.

Versus

Mst. Shazia Kanwal

Respondent.

PRESENT:-

1. Mr. Amjad Hussain Advocate for the petitioners.
2. Mr. Johar Ali Advocate on behalf of the respondent.

DATE OF HEARING: - 10.08.2017.

JUDGMENT.

Dr. Rana Muhammad Shamim, CJ..... This petition for leave to appeal has arisen out of the impugned judgment dated 31.03.2015 in Writ Petition No. 100/2014 passed by the learned Chief Court whereby the said Writ petition filed by the respondent was accepted by directing the petitioners to re-instate the respondent on her service as District Coordinator (Gilgit) Social Mobilization National Cash Transfer Program of Benazir Income Support Program (BISP) on the basis of her initial appointment and confirmation letter dated 01.09.2013 with effect from 01.09.2014 to 01.09.2015 with all back benefits. The petitioners being aggrieved by and dissatisfied with, filed this petition for leave to appeal. This court vide order dated 18.04.2016 issued notice to the respondent and the case is heard today.

2. Briefly the facts of the case are that the respondent was appointed as District Coordinator Gilgit under Aurat Foundation Waseela Taleem (BISP) at a gross salary of Rs. 50,000/- (rupees Fifty thousand only) per month for a period of two (02) years with effect from 01.06.2013 vide appointment order No. HO/HR/344. Later on her services were terminated on 15.09.2014 vide order No. AF/HO/HRD/MI/03/2014 issued by the respondents. The respondent being aggrieved by and dissatisfied with filed Writ Petition No. 100/2014 before the learned Chief Court which was allowed as prayed for.

3. The learned counsel for the petitioners submits that Aurat Foundation is a none-Governmental Organization and the respondent was appointed as District Coordinator purely on contract basis for a period of two years but her services were terminated on account of abolishment of the impugned post. He also submits that the respondent had no locus standi to file the writ petition being the employee of a non-governmental Organization similarly the learned Chief Court has no jurisdiction to entertain such writ petition. Per learned counsel the impugned judgment dated 31.03.2015 passed by the learned Chief Court in Writ Petition No. 100/2014 is without jurisdiction, illegal and incompetent as no writ petition lies against the non-statutory bodies/NGOs. He further submits that the case of the respondent falls under "Master and Servant" rules. He submits that the extra-ordinary writ jurisdiction can only be invoked against the statutory bodies and government

institutions in case of any denial with regard to the fundamental rights of the citizens. He prays that the impugned judgment dated 31.03.2015 in Writ Petition No. 100/2014 passed by the learned Chief Court may graciously be set aside in circumstances.

4. On the other hand, the learned counsel appearing on behalf of the respondent supports the impugned judgment dated 31.03.2015 in Writ Petition No. 100/2014 passed by the learned Chief Court. He contends that although the Aurat Foundation is an NGO but it is sponsored by the Government with the collaboration of Benazir Income Support Program (BISP). Per learned counsel writ lies in this case and the question of maintainability was raised by the petitioners in the learned Chief Court which was also resolved by the learned Chief Court. He prays that the impugned judgment dated 31.03.2015 in Writ Petition No. 100/2014 passed by the learned Chief Court may pleased 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 31.03.2015 in Writ Petition No. 100/2014 passed by the learned Chief Court. Admittedly, the Aurat Foundation is a Non-Governmental Organization (NGO) and it is settled principle of law that writ jurisdiction can not be invoked against any private organization. The case of the respondent falls under the principle of "Master and Servant" rules.

6. In view of the above discussions, we convert this petition into an appeal and the same is allowed. Consequently, the

impugned judgment dated 31.03.2015 in Writ Petition No. 100/2014 passed by the learned Chief Court is set aside. The respondent is at liberty to seek legal remedy from the appropriate forum, if she is so advised.

7. The appeal is allowed in above terms.

Chief Judge.

Judge.