

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

Before:-

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

Mr. Justice Javed Iqbal, Judge.

Mr. Justice Shahbaz Khan, Judge.

CPLA. No. 112/2015.

1. Provincial Government through Chief Secretary Gilgit-Baltistan.
2. Secretary Education Gilgit-Baltistan.
3. Director Education Gilgit-Baltistan.
4. Deputy Director Education Gilgit.
- 5.
6. Accountant General Gilgit-Baltistan.
7. Deputy Accountant General Gilgit.

Petitioners.

Versus

Mst. Masnona Shehzadi d/o Muhammad Ramzan r/o Majini
Muhallah Gilgit.

Respondent.

PETITION FOR LEAVE TO APPEAL UNDER ARTICLE 60 OF GILGIT-BALTISTAN (EMPOWERMENT & SELF GOVERNANCE) ORDER 2009 READ WITH ENABLING ARTICLES OF GILGIT BALTISTAN SUPREME APPELLATE COURT RULES 2008 AGAINST THE IMPUGNED JUDGMENT DATED 21.09.2015 PASSED BY THE SERVICE TRIBUNAL GILGIT BALTISTAN IN APPEAL NO 485/2014, WHEREBY ACCEPTING THE APPEAL THE LEARNED SERVICE TRIBUNAL HAS DIRECTED PETITIONER TO RELEASE THE PAY OF RESPONDENT FROM THE DATE OF HER APPOINTMENT ORDER.

FOR SETTING ASIDE THE IMPUGNED JUDGMENT HOLDING THE SAME PASSED WITHOUT CONSIDERATION, WITHOUT ANY JURISDICTION AND MISUNDERSTANDING OF FACTS CONVERTING THIS PETITION FOR LEAVE TO APPEAL INTO APPEAL AND ACCEPTING THE APPEAL FOR THE ENDS OF JUSTICE, LAW AND EQUITY.

PRESENT:-

1. The Advocate General Gilgit-Baltistan alongwith Mr. Ali Nazar Khan Advocate-on-Record for the petitioners.

ORDER DATED: - 24.03.2016.

ORDER.

Dr. Rana Muhammad Shamim, CJ..... The learned Advocate General Gilgit-Baltistan contends that the respondent filed a Service Appeal in the Gilgit-Baltistan, Service Tribunal with the contention that she was initially appointed as MT teacher at Girls Primary School Old Polo Ground Gilgit on contingent basis on 31.05.2010 which was further extended till 20.06.2011. Subsequently, the services of the petitioner were regularized/adjusted against the vacant post of teacher BPS-09 on 21.06.2011 at Girls Primary School Majini Muhallah Gilgit. He further submits that the petitioner contended before the Service Tribunal that the respondents have not paid her salary in line with the office order No. DE-2(2)/Admin/2009 dated 21.06.2011. He further contends that the petitioners filed their Para wise comments wherein they refuted/denied the contention of the respondent with the submission that the respondent was not a regular appointee of petitioners and her contingent order was also illegal and incorrect. He further submits that the for clarification of the position of the case, a questionnaire was devolved and the same was handed over to the respondent to answer and clear her position regarding her contingent appointment on the basis of the office order DE-2 (8) /2011 /admin dated 31.05.2010 shows that the appointment order is of the year 2011 while the issue date shows that it is of the year

2010, similar is the case with the extension order where is the file number is of the year 2011 , hence both the orders are contradictory with each other. He further submits that in case of regularization order, The Director Education Gilgit was demanded to provide complete record and incompliance thereof , the Director Education vide his letter No. DE-2(2) /2015 (Admin) dated 27.10.2015 replied that despite thorough search no record/file was found in the office of the Director Education Gilgit. The respondent was directed to produce her attendance. In response she produced School attendance Register sheet which is attendance of Contingent Staff/Teacher but she failed to produce any attendance as regular employee and even she failed to produce any salary slip as regular Government servant. In this regard a committee was constituted which came to the conclusion that all the alleged appointments of the respondent whether contingent or regular basis were fake bogus and fabricated.

The learned Advocate General further submits that a petition for leave to appeal bearing No. CPLA 12/2013 was filed before this Hon'ble Court with the titled Rozina Khatoon and 182 others versus Provincial Government of Gilgit-Baltistan wherein the respondent and some other affectees of Education Department Gilgit-Baltistan through representatives namely Shah Mirza, Ibadat Khan, Syed Iftikhar Hussain and 308 other filed an application under Order 01, Rule 10 CPC , they were made party but subsequently, on 20.11.2014 , the said application was withdrawn

by them . He further submits that the respondent while concealing the facts of her appointment, filing of application before this Court and withdrawal of the same on 20.11.2014 filed appeal before the learned Service Tribunal Gilgit-Baltistan. The learned Service Tribunal without taking consideration of the facts passed the impugned Judgment dated 21.09.2015 in appeal No. 485/2014 accepted the appeal of the respondent and directed the petitioners to released the pay of the respondent from the date of her appointment order which is the result of the misconception of law and facts hence, the same is not tenable and liable to be set aside.

We have heard the learned Advocate General at length, perused the record of the case file and gone through the impugned Judgment dated 21.09.2015 in appeal No. 485/2014, passed by the learned Service Tribunal Gilgit-Baltistan. The learned Advocate General could not pointed out any infirmity and illegality in the impugned Judgment dated 21.09.2015 in appeal No. 485/2014 passed by the learned Gilgit-Baltistan, Service Tribunal. We are not inclined to grant leave. The leave to appeal is accordingly refused. The impugned Judgment dated 21.09.2015 in appeal No. 485/2014, passed by the learned Service Tribunal, Gilgit-Baltistan is maintained.

The leave is refused.

Chief Judge.

Judge.

Judge.

Weather the case is fit to be reported or not?