

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

Before:-

**Mr. Justice Dr. Rana Muhammad Shamim, Chief Judge.
Mr. Justice Javed Iqbal, Judge.**

Civil Appeal No. 65/2016

In

CPLA. No. 61/2015.

1. Provincial Government & 04 others **Petitioners.**

Versus

1. Shah Nawaz son of Abdul Wadood resident of Napura Basin Tehsil & District Gilgit. **Respondent.**

PRESENT:-

1. The Advocate General alongwith for the petitioners.
2. Mr. Muhammad Farooq Advocate on behalf of the respondent.

DATE OF HEARING: - 24.11.2016.

JUDGMENT.

This petition has arisen out of the impugned judgment dated 04.05.2015 in Writ Petition No. 40/2011 passed by learned Gilgit-Baltistan Chief Court whereby the said writ petition of the respondent was allowed and the petitioners were directed to reinstate the services from the date of his termination with all back benefits, hence, this petition for leave to appeal.

2. Briefly facts of the case are that respondent was appointed as daily wager vide Officer Order No. GFD-1(24)/1552-53/2003 dated 01.08.2003. Consequently the respondent was posted to Gulmakai Kargah. Whereafter on the recommendation of Conservation committee of the area as well as the concerned Range Forest Officer, the respondent was further appointed/adjusted as contingent paid Chowkidar vide letter No. WL-3(1) /2005 dated 26.09.2015. The petitioners regularized the services of the respondent alongwith three others employees as Regular

Development Contingent Paid Chowkidar in BPS-02 (Fixed) from 01.09.2008 vide Office Order dated 02.09.2008. The respondent on 16.03.2010 was sent to Sarhad Forest School Abbottabad in order to get professional training. Subsequently he undergone the training and he successfully got a certificate thereto. Suddenly on 24.09.2010 the petitioners discontinued the services of the respondent vide Office Order dated 30.09.2010 on account of shortage of fund etc. The respondent being aggrieved filed a Departmental appeal before the petitioners who declined to grant relief as prayed for. Whereafter the respondent filed Writ Petition NO. 40/2011 before the learned Gilgit-Baltistan Chief Court which upon hearing was allowed, hence, this petition for leave to appeal.

3. The learned Advocate General submits that the respondent was appointed as Community Wildlife Guard BPS-02 on contingent basis in development scheme “Protection/Conservation of endanger Wildlife Species” vide order dated 26.09.2005. After about three (03) years his services were extended alongwith three (03) other employees but word used as regular development contingent paid employee in the said letter. He also submits that due to this misconception, the respondent considered that his services have been regularized. On such misconception the learned Chief Court by its judgment dated 04.05.2015 in Writ Petition No. 40/2011 allowed the petition and the petitioners were directed to regularize the services of the respondent with back benefits, which is not sustainable.

4. Conversely, the learned Advocate appearing on behalf of the respondent supports the impugned Judgment passed by the learned Gilgit-Baltistan Chief Court being well reasoned and well founded. He prays that the said impugned judgment may very graciously be maintained being passed in accordance with law and facts of the case.

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 04.05.2015 in Writ Petition NO. 40/2011 passed by the learned Gilgit-Baltistan Chief Court. The learned Advocate General could not point out any illegality and infirmity in the impugned Judgment passed by the learned Gilgit-Baltistan Chief Court.

6. In view of the above discussions, we convert this petition into an appeal and the same is dismissed. Consequently, the impugned judgment dated 04.05.2015 in Writ Petition No. 40/2011 passed by the learned Gilgit-Baltistan Chief Court is affirmed.

7. The petition is dismissed in above terms.

Chief Judge.

Judge.

Whether the case is Fit to be reported or Not?.