

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

**Before:**

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

**Civil. Appeal. No. 23/2015  
In  
CPLA. No. 25/2013.**

Provincial Government through Chief Secretary & 02 others  
**Petitioners.**

**Versus**

Adil Rehmat son of Sharifullah (Foot Constable) r/o Chilas Diamer  
at present serving in Karakoram Security Force. **Respondent.**

**PRESENT:-**

1. The Advocate General alongwith Mr. Ali Nazar Khan Advocate-on-Record for the petitioners.
2. Mr. Javed Iqbal Advocate alongwith Mr. Rehmat Ali Advocate-on-Record on behalf of the respondent.

**DATE OF HEARING: - 04.04.2017.**

**JUDGMENT.**

**Dr. Rana Muhammad Shamim, CJ.....** This petition for leave to appeal has been directed against the impugned judgment dated 15.05.2013 in Writ Petition No. 87/2013 passed by the learned Chief Court whereby the said Writ Petition of the respondent was allowed by setting aside the impugned order dated 06.07.2009 issued by the Inspector General Police Gilgit-Baltistan. The petitioners being aggrieved filed this petition for leave to appeal. This court vide order dated 21.09.2015 granted leave to appeal and the case was finally heard today on 04.04.2017.

2. Briefly the facts of the case are that respondent was initially appointed as foot Constable (F.C) BPS-05 in Karakoram Security Force alongwith others on contract basis for a period of four (04) years vide office order dated 01.09.2008 after conducting

test/interview as provided in the police rules. The respondent was awarded of Rs. 3000/- for his extra ordinary bravery, which he displayed in an accident wherein a precious life of a person was saved by the respondent. Whereafter the services of the respondent were regularized by the petitioner No. 02 vide order dated 06.07.2009 against a clear vacant post of reserve police force Gilgit. After lapse of more than two years the said order was withdrawn vide order dated 13.07.2011 being against the procedure/rules and the respondent was reverted back to Karakoram Security Force. The respondent feeling aggrieved filed Writ Petition before the learned Chief Court which was allowed.

3. The learned Advocate General submits that the respondent was appointed as constable for a period of four years purely on contract basis. He also submits that the respondent got his services regularized through unfair means without adopting the set procedure and rules i.e. test/interview. He submits that no sanction from the competent authority was taken while regularizing the services of the respondent. He further submits that neither the post of constable was advertised nor any DSC was constituted by the competent authorities which is a pre-requisite for the appointment of the said post. He finally submits that the learned Chief Court fell in error while passing the impugned judgment dated 15.05.2013 in Writ Petition No. 87/2011 without taking into consideration the version of the petitioners, hence, the same is not sustainable and liable to set aside.

4. On the other hand, the learned counsel for the respondent supports the impugned judgment dated 15.05.2013 in Writ Petition No. 87/2011 passed by the learned Chief Court. He contends that the said judgment is well reasoned and well founded and no interference is warranted into it being passed in accordance with law and facts of the case. He prays that the said impugned judgment may graciously be maintained in the interest of justice.

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 15.05.2013 in Writ Petition No. 87/2011 passed by the learned Chief Court. In our considered view the said impugned judgment is well reasoned and well founded. The learned Advocate General, otherwise, could not point out any illegality and infirmity in the said impugned judgment. We are in agreement with the learned counsel for the respondent that no interference is warranted into the impugned judgment.

6. In view of the above, this appeal is dismissed. Consequently, the impugned judgment dated 15.05.2013 in Writ Petition No. 87/2011 passed by the learned Chief Court is affirmed.

7. The appeal is dismissed in above terms.

**Chief Judge.**

**Judge.**

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