

IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN

CM No. 22/2010
in
CPLA No 16/2010

Governor Gilgit-Baltistan and others. Petitioners

Versus

Hafiz Hafeez-ur-Rehman Respondent

Advocate General Gilgit-Baltistan
Hafiz Hafeez-ur-Rehman, respondent in person.
Secretary Local Government, Gilgit-Baltistan

Order Dated 29-06-2010

This petition has been preferred against the order dated 22-06-2010 passed by the Chief Court in a writ petition filed by respondent whereby letter dated 09-02-2010 issued by the Chief Minister Secretariat Gilgit in connection with the nomination of the members of Dehi Council in Gilgit-Baltistan by newly elected assembly has been suspended.

The Local Council bodies in Gilgit-Baltistan were dissolved by Order dated 14-11-2009 of the Governor of the Gilgit-Baltistan under Section 20 of the Northern Areas Local Government Order 1979 with the appointment of Administrators to perform the function of the Local Council and this arrangement is continued. The respondent questioned the legality of the action in respect of nomination of members of Dehi Council by the members of Assembly being in violation of Section 20 of the Northern Areas Local Government Order 1979 and Chief Court suspended the operation of letter dated 09-02-2010.

Section 11 (3) of Northern Areas Local Government Order 1979 provides that members of Dehi Council shall be nominated by Union Council in a prescribed manner and in Subsection (4) of the said section it is provided that Dehi Councils shall be non formal bodies and shall not constitute tier of Local Government.

The grievance of the petitioner is that in consequence to the order passed by the Chief Court the Public Projects of the Local Councils already approved with allocation of budget in the current financial year have been struck up as the Administrators may not be able to utilize the funds on these project which will lapse by 30th June 2010.

Hafiz Hafeez-ur-Rehman respondent, present in person stated that his objection was in respect of the nomination of Dehi Council by the members of the newly elected assembly in violation of provision of section 20 ibid so that new development schemes of their choice may not be included in ongoing local government projects.

Dehi Council is not a part of local council or is also not substitute of local council to perform its function rather in absence of Local Council Administrator appointed by the government have to perform all functions of Local Councils and consequently the apprehension of parties regarding lapse of allocated funds for non utilization or use of funds on the schemes not already approved is unfounded.

This Civil Miscellaneous is accordingly disposed of with observation that notwithstanding the close of financial year the budget already allocated for the approved schemes will continue for utilization on the said schemes by the Administrators strictly in accordance with law without any outside intervention and these funds will not be used on any new scheme not already approved in Annual Development Program for the financial year closing on 30-06-2010.

The main petition will be fixed for a date in the next week.

Chief Judge