

**IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN,  
GILGIT.  
CPLA No.62/2015.**

**Before:-**

1. **Mr. Justice Dr. Rana Muhammad Shamim, Chief Judge.**
2. **Mr. Justice Muzaffar Ali, Judge.**

Abdul Bari & another.

**PETITIONERS.**

**VERSUS**

Provincial Government & others

**RESPONDENTS.**

**PETITION FOR LEAVE TO APPEAL UNDER ARTILE 60 OF THE  
 GILGIT-BALTISTAN (EMPOWERMENT & SELF GOVERNANCE )  
 ORDER 2009 AGAINST THE IMPUGNED JUDGMENT DATED  
 15.05.2015 PASSED BY GILGIT-BALTISTAN SERVICE  
 TRIBUNAL IN SERVICE APPEAL NO. 353/2014 WHERBY THE  
 LEARNED TRIBUNAL HAS DISMISSED THE APPEAL OF  
 PETITIONERS /APPELLANTS HOLDING THE SAME NOT  
 MAINTAINABLE AND MERITLESS.**

**FOR SETTING ASIDE THE IMPUGNED JUDGEMENT HOLDING  
 THE SAME UN-CONSIDERED , MISCONCEIVED , MIS-  
 CONSIDERATE AGAINST FACTS AND LAW AND AGAINST  
 LEGAL RIGHTS OF PETITIONERS/APPEALLANTS  
 CONVERTING THIS PETITION FOR LEAVE TO APPEAL INTO  
 AN APPEAL FOR THE ENDS OF JUSTICE , LAW AND EQUITY.**

**Present:-**

1. Mr. Joher Ali Khan Advocate for the petitioners.

**DATED OF HEARING: - 16-09-2015.**

**JUDGMENT.**

**Dr. Rana Muhammad Shamim, CJ.....** The learned counsel for the petitioners submits that the petitioners were appointed against the vacant posts of Foot Constable BPS-05 vide order dated 26.08.2012 and 13.12.2012 respectively. He further contends that the petitioners were rendering their service in the Police Department with efficiently, honestly and to the entire satisfaction to their superior. He also contended that their department vide Office Orders No.SPD-19(1)/5634-37/2012, dated

26.08.2012 and SPD-1 (1)6815/2012 dated 13.12.2012 have terminated their services by respondent No.5. The petitioners being aggrieved by and dissatisfied with the said order filed First appeal before the respondent No.2. Since, no response received from the first appellate authority and after completion of statutory period , the petitioners filed appeal No. 323/2014 before the Gilgit-Baltistan Service Tribunal on the grounds that no notices were served to the petitioners before issuance of their termination order, no charge was framed against the petitioners and they have been condemned unheard. He further submits that the termination orders of the services of the petitioners were based on baseless allegations, which was not supported by any material on record. He further contends that the orders of their services were competently and authorizedly issued purely on the basis of merits. The learned counsel for the petitioners also submits that the Gilgit-Baltistan Service Tribunal failed to exercise its jurisdiction so vested to it and the learned Services Tribunal GB has committed material irregularities and illegalities while passing impugned order dated 15.05.2015 , therefore, the same is not maintainable and liable to set aside.

We heard the learned counsel for the petitioners at length, perused the material of file and gone through the impugned Judgment of learned Service Tribunal Gilgit-Baltistan. In our considered view the impugned judgment of the learned Service Tribunal Gilgit-Baltistan dated 15.05.2015 passed in Service Appeal No. 323/2014, is well reasoned and well founded as no illegality and

infirmitiy has been pointed out by the learned Counsel for the petitioners. Admittedly neither any vacancy was advertised in the newspaper for appointment nor the petitioners appeared before the Selection Committee in the test/interview.

The learned Service Tribunal has rightly held that the appointments were made in violation of the rules, law and procedure. No departmental appeal was filed by the petitioners as claimed by the petitioners, which requires under Section 5 (9) of Gilgit-Baltistan Service Tribunal as the same is mandatory in nature and violation of it, is not tenable.

In view of the above discussions, we are not inclined to grant leave to appeal. Leave to appeal is refused accordingly.

Leave refused.

**Chief Judge.**

**Judge.**

**Whether the case is fit to be reported or not?**