

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

Before:-

1. **Mr. Justice Dr. Rana Muhammad Shamim, Chief Judge.**
2. **Mr. Justice Javed Iqbal, Judge.**
3. **Mr. Justice Shahbaz Khan, Judge.**

**C. Misc. No. 86/2014
In
CPLA No. 90/2014.**

1. Secretary Law & Prosecution Gilgit-Baltistan, Gilgit.
2. Accountant General Gilgit-Baltistan, Gilgit.
3. DDO Customs & Banking Court Gilgit-Baltistan, Gilgit.
4. Provincial Government through Chief Secretary Gilgit-Baltistan, Gilgit.

Petitioners.

Versus

1. Aslam Khan, Superintendent.
2. Shukurullah Baig, Reader.
3. Ashiq Hussain Stenographer.
4. Ali Musa Computer Programmer.
5. Sher Abbas Accountant.
6. Sadiq Ali Ahlmed.
7. Muhammad Mir, Nazir.
8. Syed Ansar Ali Shah Copiest.
9. Sajjad Hussain Copiest.
10. Essa Khan Driver.
11. Niaz Baig N/Q.
12. Shabbir Hussain N/Q.
13. Shah Wali Process Server.
14. Kaleem-ur-Rehman Process Server.
15. Karimullah Chowkidar.
16. Ishaq Sweeper, employees of Customs & Banking Court Gilgit-Baltistan, Gilgit.

Respondents.

PRESENT:-

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

DATE OF HEARING: - 05.09.2016.

ORDER.

Dr. Rana Muhammad Shamim, CJ..... The learned Advocate General contends that the respondents are the employees in various categories in BPS-01 to 16 of the Customs & Banking Court, Gilgit-Baltistan who filed a Writ Petition No. 103/2013 with

the contentions that they are entitled to all the benefits i.e. Judicial Allowance and Special Judicial Allowance equal to three time of their substantive pay scale while setting aside the letter No. SO-14 (1) CBC/2013 dated 05.11.2013 issued by the petitioner No. 01. The said Writ Petition of the respondents was allowed vide impugned judgment dated 28.05.2014. The petitioners being aggrieved by and dissatisfied with the said impugned judgment filed this petition for leave to appeal and the petition was heard today.

2. The learned Advocate General contends that the respondents have not obtained the Ex-post facto sanction from the competent authority i.e. the Government of Gilgit-Baltistan. He also contends that the Judge of the Customs & Banking Court has no authority to sanction the Judicial/Special Allowance in favour of the employees of Customs & Banking Court Gilgit-Baltistan and the sanction order No. Law-SO-14(1)/CBC/2013 dated 05.11.2013 being devoid of legal sanction was not tenable and liable to be set aside. He further contends that the learned Gilgit-Baltistan Chief Court vide impugned judgment dated 28.05.2014 in Writ Petition No. 103/2013 has wrongly allowed the said Writ Petition which is required to be set aside being not well reasoned and well founded.

3. We have heard the learned Advocate General at length, perused the record of the case file and gone through the impugned judgment dated 28.05.2014 in Writ Petition No.103/2013 passed by the learned Gilgit-Baltistan Chief Court. The learned Advocate General could not point out any infirmity and illegality in the

impugned judgment dated 28.05.2014. The Judicial/Special Judicial Allowance is paid to all the court staff and officials in all the Provinces of Pakistan, Islamabad Capital, as well as to the staff and officers of this court and the Supreme Court of Pakistan. Why the Gilgit-Baltistan Government is not treating equally among the equals?

In view of the above, we are not inclined to grant leave. The leave to appeal is accordingly refused. The impugned judgment dated 28.05.2014 in Writ Petition No. 10/2013 passed by the learned Gilgit-Baltistan Chief Court is maintained. The petitioners are directed to pay/release all the back benefits in shape of arrears, if any, and keep paying on account of Judicial/Special Judicial Allowances to the respondents from the date as extended to other employees/staff/officers of District Judiciary, Gilgit-Baltistan Chief Court and Supreme Appellate Court Gilgit-Baltistan.

4. The leave is refused.

Chief Judge.

Judge.

Judge.

Whether the case is fit to be reported or not?