

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

Before:-

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

**Civil Appeal No. 74/2017
In
CPLA No. 42/2013.**

Employees of CPO & others

Petitioners.

Versus

Deputy Accountant General & others

Respondents.

PRESENT:-

1. Mr. Johar Ali Advocate for the petitioners.
2. The Deputy Attorney General for Pakistan at Gilgit alongwith the Advocate General Gilgit-Baltistan on behalf of the respondents.

DATE OF HEARING: - 18.05.2017.

DATE OF ANNOUNCEMENT OF JUDGMENT:- 19.10.2017.

JUDGMENT.

Dr. Rana Muhammad Shamim, CJ..... This petition has been directed against the impugned judgment dated 16.10.2012 passed in Writ Petition No. 25/2003 by the learned Chief Court whereby the said Writ Petition filed by petitioners was dismissed having no substance. The petitioners being aggrieved by and dissatisfied with the said impugned judgment filed this petition for leave to appeal. This court vide order dated 14.10.2015 issued notices to the respondents and the case was heard on 18.05.2017 and the judgment was reserved.

2. Briefly, the facts of the case are that the petitioners are Government employees of Gilgit-Baltistan Police Department in different scales. They are working in Central Police Office Gilgit. In

the year 1990, the President of Pakistan was pleased to accord sanction of special pay and technical allowance to the staff posted in Training Institution, Central Police Offices, Crime Branch, Railway Police and Gilgit-Baltistan Police including Reserve Police w.e.f 01.06.1990 vide letter No. 1/8/89-DD(P) dated 05.11.1990 Ministry of Interior Islamabad. The petitioners have received the said special pay and technical allowance till 30.11.2001 and in the month of December, 2001 the said special pay and allowance was stopped due to misinterpretation of an Office Memorandum of Finance Division (Regulation Wing) Islamabad. After clarification from AGPR Islamabad, the same benefit was again granted to the petitioners on regular basis and arrears were also released. On 22.07.2003, the Deputy Accountant General Pakistan Revenue Gilgit again issued instruction to stop payment of 20% special pay and technical allowance in pursuance of letter of the Deputy Accountant General Pakistan Revenue Gilgit. The Deputy Inspector General of Police Gilgit-Baltistan had issued letter bearing No. IGP-2(41)/5475-83/03 dated 03.07.2003 to refund/recovery of the arrears of said pay & allowances which was challenged before the learned Chief Court by filing Writ Petition No. 25/2003 which upon hearing was dismissed vide impugned judgment dated 16.10.2012.

3. The learned counsel for the petitioners submits that the petitioners were entitled the special pay and technical allowance @ 20% and 25% respectively and they were getting the same uninterruptedly till 30.11.2001. He also submits that the same

allowance was granted by the President Islamic Republic of Pakistan to the petitioners including other Institutions with effect from 01.06.1990. He further submits that the allowances in question were ordered to be stopped by the respondents by misinterpreting a letter issued by the Finance Division Regulation Wing Islamabad which was later on recalled and the petitioners were again given the said amount. On 22.07.2003 the Deputy Accountant General Gilgit again issued instruction to stop the said special pay and technical allowance without any reasons. Per learned counsel, the petitioners being aggrieved filed Writ Petition No. 25/2003 before the learned Chief Court which upon hearing was dismissed. He submits that the learned Chief Court fell in error by dismissing the said Writ Petition, hence, the impugned judgment dated 16.10.2012 is not tenable being the result of misinterpretation of law and misreading/non-reading of the facts of the case.

4. On the other hand, the learned Advocate General alongwith the learned Deputy Attorney General for Pakistan at Gilgit supports the impugned judgment dated 16.10.2012 passed in Writ Petition No. 25/2003 by the learned Chief Court. They contend that admittedly the petitioners were getting the disputed allowances since 05.11.1990 to 30.11.2001 which was later on withdrawn on the recommendation of Pay & Pension Committee duly approved by the Cabinet Division Islamabad through Office Memorandum No. F-1(5) IMP/2001 dated 04.09.2001. They also contend that the case

of the petitioners does not fall within the ambit of Para-15 of the said Office Memorandum rather the case falls within the purview of Para-09 of the Finance Division's Office Memorandum No. F-1(5) IMP/2001 dated 04.09.2001. They pray that the impugned judgment dated 16.10.2012 is well reasoned and well founded and the same may graciously be maintained.

5. We have heard the learned counsels for respective parties at length, perused the record of the case file and gone through the impugned judgment dated 16.10.2012 in Writ Petition No. 25/2003 passed by the learned Chief Court. In our considered view, the impugned judgment dated 16.10.2012 passed by the learned Chief Court is well reasoned and well founded, hence, no indulgence is warranted into it. Further, the learned counsel for the petitioners could not point out any infirmity in the said impugned judgment.

6. In view of the above discussions, we convert this petition into an appeal and the same is dismissed. Consequently, the impugned judgment dated 16.10.2012 in Writ Petition No. 25/2003 passed by the learned Chief Court is affirmed.

7. The appeal is dismissed in above terms.

Chief Judge.

Judge.