

**IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN
C.P.L.A.NO.15/2010**

Before:- **Mr. Justice Muhammad Nawaz Abbasi, Chief Judge.**
Mr. Justice Syed Jaffar Shah, Judge.
Mr. Justice Muhammad Yaqoob, Judge.

Haji Ghulam Mehdi s/o Ghulam Muhammad , Govt. Contractor “A” Class Pakistan Engineering Council No. C-3-3856 r/o Hussain Abad Skardu.

Petitioner.

Versus

1. Provincial Government through Chief Secretary Gilgit-Baltistan.
2. Secretary Water & Power G.B.PWD Gilgit.
3. Chief Engineer Water & Power Division G.B. PWD Baltistan.
4. Superintending Engineer Water & Power Division G.B. PWD Baltistan.
5. Executive Engineer Water & Power Division G.B.PWD Skardu.
6. Ali Ahmed Jan Govt. Contractor r/o Satellite Town Skardu.
7. Wazir Imtiaz Haider & Sons r/o Hussain Abad Skardu.

Respondents.

**PETITION FOR LEAVE TO APPEAL AGAINST THE IMPUGNED
JUDGMENT/ORDER DATED 17-6-2010 PASSED BY THE
DIVISION BENCH GB CHIEF COURT.**

Mr. Johar Ali, Advocate for the petitioner.

Date of hearing: 23-6-2010.

ORDER

Mr. Justice Muhammad Nawaz Abbasi, CJ: This petition has been directed against the order dated 17-6-2010 passed by Division Bench of Chief Court, whereby Writ Petition filed by petitioner seeking declaration, that the orders in respect of pre-qualification of respondent No. 6 & 7 and award of contract of project in question were illegal, has been dismissed. The petitioner on the same subject before filling the Writ Petition filed an application before this Court for Suo Motu action in the matter, on the ground that official respondents through illegal practice awarded the contract over and above the bid money, to the contractor who was not even registered with Pakistan Engineering Council Islamabad, without disclosing the fact that he also participated in the tender for pre-qualification and remained unsuccessful. The office put up this application before Chief Judge, in Chamber and following order was passed.

“The matter relates to the administrative function of Provincial Govt. of Gilgit-Baltistan and Chief Secretary may be informed and asked for the inquiry. The allegation contained therein, if are found correct, the concerned officials in addition to the departmental action will also be liable to be prosecuted for the charge of corruption. The inquiry is required to be conducted by FIA/NAB as the case may be in the public interest”.

Subsequently, the petitioner filed a Writ Petition in the Chief Court seeking declaration that respondent No 6 & 7 who have been awarded contract were not pre-qualified being not registered with Pakistan Engineering Council, Islamabad and further the grant of Contract at enhanced rate was illegal. The petitioner having concealed the material fact in the direct application before this Court that he also participated in the pre-qualification tender, has created an impression that application was being moved in public interest without any personal interest.

The learned counsel for the petitioner contended that non disclosure of the fact that petitioner also applied for pre-qualification in the application moved by him before this Court was not intentional, rather it was a bonfide mistake.

We are afraid the explanation is not sufficient to infer bona fide of the petitioner and consequently, he having been not come to the Courts with clean hands, would not be entitled to any discretionary relief and dismissal of Writ Petition was unexceptional.

Be that as it may, in view of the nature of allegation contained in the application in question in which an order has already been passed for any inquiry, the inquiry officer in addition to the transparency, should also look into the question of grant of contract at enhanced rate and payment of mobilization advance, despite the restrained order passed by this Court in Konodas RCC Bridge Case, pending before this Court. The requirement of the registration of contractor for pre-qualification with Pakistan Engineering Council Islamabad, may also be seen and inquiry may be completed within a fortnight. The copy of the inquiry report may be transmitted to the Registrar of this Court for our perusal in Chamber.

This petition with the above observation dismissed.

Chief Judge

Judge

Judge