

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

**Civil Review .No.01/2014 in
S.M.C.No. 04/2013.**

**(COMPLAINT OF CONTRACT EMPLOYEES OF BPS-17 & 18 FROM
VARIOUS DEPARTMENTS OF GILGIT-BALTISTAN).**

1. Advocate General Gilgit-Baltistan.
2. Malik Shafqat Wali Sr. Advocate, Munir Ahmad Advocate and Mr. Amjad Hussain Advocate on behalf of the contract Employees.
3. The Secretary Home Gilgit-Baltistan.
4. The secretary Law Gilgit-Baltistan.
5. Mr. Meher Ali, Deputy Assistant Director Regional FPSC office Gilgit.

ORDER DATED:-13-08-2014.

Heard, the learned Advocate General, the advocates for complainants, Secretary Home Gilgit-Baltistan, the Secretary Law Gilgit-Baltistan and the Assistant Director Regional Federal Public Service Commission Sub office Gilgit. The Court took serious notice about the absence of Mr. Taqi Qureshi, Secretary Services Gilgit-Baltistan, who had appeared on 30-06-2014, before the court and frankly denied to comply with the order dated 14-03-2014, passed by this Court. The secretary Home Gilgit-Baltistan stated in this regard that, the Secretary Services has gone on leave till 15-08-2014, and he has been given additional charge to deal with day to day business of the Services department as Secretary Services Gilgit-Baltistan during the period the Secretary Services is on leave.

2. The order dated 30-06-2014, read out to the parties present before the court and asked to meet the legal consequences of the blunt denial of the Secretary Services to comply the directives of this court that transpires from the plain reading of the said order and also asked the Secretary Home about his intention (as he holds additional charge of Secretary Services at present) if he is also in a state of denial not to comply the directives of this court or intends to comply with the same as this court has observed that, the Secretaries in Gilgit-Baltistan are always adventurous to defy the orders of courts in Gilgit-Baltistan.

The Secretary Home replied that, courts are respectable and he respects all the courts and stated that, he has probed into the affairs of the services department in addition to his own responsibilities as Secretary Home and the burden of work incapacitated him to study the present issue thoroughly, he cannot dare to dis-obey the orders of this court but humbly requests to the court that, he may be given three weeks time to enable him to be acquainted with the issue from all its aspects. He also urged that, he has not denied any directives of this court and the Secretary services Mr. Taqi Qureshi, is on leave he might be able to meet the legal consequences of the said denial when appears before the court after re- joining his duties.

3. The learned counsel for the complainants pointed out that, the Gilgit-Baltistan Legislative Assembly has passed the Law in this regard and as per the newly enacted law all the contract employees in various departments of Gilgit-Baltistan are entitled to be regularized who fall within the ambit of enactment but the Secretaries in Gilgit-Baltistan are not ready to take care of powers of the Legislative Assembly, peoples representatives and even the courts established in Gilgit-Baltistan. They always try to defy the orders of the courts on one or other pretext. He further pointed out that, the services department in defiance of the previous orders of this court has intimated the FPSC and the FPSC has called for interview of the candidates against the vacant posts in Health and education departments on 24th of this month.

4. The learned A.G objected and defended the authorities by urging that, the Government of Gilgit-Baltistan has filed a review petition No 01/2014, before this court against the order dated 14-03-2014. The learned A.G is allowed to come on rostrum and argue the review petition. He has nothing to say about any material legal error of this court floating on the face of the impugned order but he assailed the undertaking given by the then Secretary Services before this court

with the contention that, the then Secretary had wrongly given the undertaking. He was not vested with the power to give such type of undertaking in the Court.

5. The courts rarely revisit their judgments/Orders when ever a glaring mistake or error is shown floating on the face of judgment/order. In the impugned order no finding has been given by this Court but the undertaking given by the then Secretary Services has been incorporated therein and directives have been issued in the light of the said undertaking, hence the review petition is merit less and rejected.

6. This Court has observed the astute attitude of the administrative authorities whenever they appear in cases, they feel their appearance before the courts of Law is against their status and dignity. They also feel no hesitation to defy the orders passed by the courts of Law. It has also been observed that the government do not take interest to pursue the cases filed in courts of Law against or for the Provincial Government and always try to shift the burden on the courts. It has further been observed that due to slackness on the part of the public functionaries, the government suffers colossal lose to the public exchequer. It is very essential to make it clear that the higher authorities should take notice of the performance of the officials and stern action is required to be taken, if they act in derogation of the interest of the department. It is also note worthy that the government officials cannot have a special treatment in courts of law as against the ordinary citizen locked in litigation.

7. We, despite the above facts, following the principle of judicial restraint, do not take any serious note and the Secretary Home Gilgit-Baltistan/current Secretary Services is granted three weeks time to probe into the issue and to submit a clear report in this regard. The office is directed to fix a date just after three week counting from today. Mr. Taqi Qureshi, the Secretary Services be directed to attend this court on 21-08-2014, to explain his position to meet the legal consequences of his denial incorporated in the order dated 30.06.2014. The

Deputy Assistant Director (Regional), Federal Public Service Commission , Sub office Gilgit, who is present before the Court, is also directed to keep in abeyance all the cases sent by the Provincial Government Gilgit-Baltistan, till further orders of this Court and refrain from conducting interviews/test of the candidates. The office of this Court is directed to send an attested copy of this order to the Chief Secretary Gilgit-Baltistan and also provide attested copy of this order to the Learned A.G who shall be responsible to arrange compliance of this order by concerned authorities and departments forthwith.

Chief Judge

Judge