

IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN
GILGIT.
C.P.L.A NO.19/2014.

Before :- Raja Jalauddin Acting Chief Judge
Mr.Justice Muzaffar Ali Judge.

1. Chairman Pakistan Agriculture Research Council (PARC) 5/1 P.O. Box No.1031 Islamabad.
2. Director General Mountain Agriculture Research Centre (MARC) Juglot Gilgit.

Petitioners.

VERSUS.

1. Khalid Akhlaq s/o Muhammad Nazeem r/o Gorikot Tehsil and District Gilgit.
2. Abdul Rehman s/o Rajool r/o Damdote Sai Pain Tehsil and District Gilgit.
3. Amanullah s/o Bakhdur Khan r/o Shikyote Tehsil and District Gilgit.

Respondents.

PETITION FOR LEAVE TO APPEAL UNDER ARTICLE 60 OF GILGIT-BALTISTAN (EMPOWERMENT & SELF GOVERNANCE) ORDER 2009 AGAINST THE JUDGMENT/ORDER DATED 16-09-2013, PASSED BY DIVISION BENCH OF CHIEF COURT GILGIT-BALTISTAN.

Present :-

1. Mr. Ehsan Ali Advocate for the petitioners.

Date of Hearing :- 15-04-2015.

JUDGMENT :-

Mr. Justice Muzaffar Ali, J..... This petition for leave to appeal has been preferred against the judgment dated 16-09-2013, passed by the learned Chief Court Gilgit-Baltistan, whereby the learned Division Bench has acceded the writ petition No.W/P.73/2013 filed against the present petitioners,

Brief facts of the case are as such that, the present respondents filed the above stated writ petition before the learned Chief Court Gilgit-Baltistan with the contention that the petitioners were appointed by the competent authority against the project in the PARC. The project was later on regularized

along-with the project employees appointed against, as such the present respondents are entitled for adjustment against the non development side of the department. The present petitioners denied the contention of the present respondents and have taken plea that the present respondents are not employees of the Council, as they have not been appointed by any competent authority but were appointed by the then Project Manager (Rash Khan) after his retirement from the post.

The learned Division Bench of the Chief Court Gilgit-Baltistan, acceded the contention of the present respondents and writ petition was allowed up to the extent of petitioner 1,2 and 4 and it was refused up to the extent of petitioners No.3,7 and 9, hence this petition for leave to appeal before this court.

The instant petition before this court is barred by 30 days as such an application for condonation of delay under section 5 of the Limitation Act is attached herewith. The learned counsel for the petitioners is asked to meet the point of Limitation first and he re-iterated the grounds taken into the application for condonation as that, (a) under the rules attested copy of the impugned judgment of Chief Court was referred to the Assistant Director Legal Islamabad, for preparation of appeal. The Assistant Director Legal mistakenly considered three months Limitation for filing of appeal before the Supreme Appellate Court Gilgit-Baltistan and kept the file in his office for a long time and later on after lapse of the Limitation, he realized his mistake and approved the DFA and sent the same to the petitioner No. 2 for filing of the same before this court.

(b) that, when the Assistant Director Legal lastly sent the DFA through the DAK, it was received by the petitionerNo.2 on 6-12-2013 as the DAK held in way to Gilgit because of blockage of KKH road from 14-11-2013 up to 28-11-2013.

We have gone through the above points raised by the learned counsel for the petitioners and we are afraid that points raised are hardly be considered as grounds for condonation of the delay under section 5 of the limitation Act. The section speaks of accounting for each and every day of the delay caused. The internal and self creative difficulties of the government or the Government departments do not fall within the ambit to condone the delay. The formalities adopting are their own problems and law of Limitation does not recognize them. The Government does not enjoy any preferential treatment qua an ordinary litigant party in the applicability of law of Limitation and no opposite party can be penalized as the period of limitation runs against the government irrespective of the difficulties. The government/department if wish to get any legal remedy for which they are entitle under Law of Land , then they must follow the law of Limitation and show their vigilance by avoiding the formalities adopting which, they are almost in all cases, suffering from Law of Limitation. The petition for leave to appeal is refused to grant and the petition is dismissed as time barred.

Announced.

15-04-2015

Chief Judge

Judge