

**IN THE HON'BLE GILGIT-BALTISTAN CHIEF COURT
GILGIT**

Before: Mr. Justice Wazir Shakeel Ahmed Chief Judge
 Mr. Justice Ali Baig Judge

W. P. No. 232/2018.

Imran Hussain s/o Ameer Haider r/o Napura Basin, Tehsil & District Gilgit.

Petitioner.

VERSUS

1. Government of Gilgit-Baltistan through Chief Secretary Gilgit-Baltistan, Gilgit.
2. Secretary Home & Prisons, Gilgit-Baltistan, Gilgit.
3. Inspector General of Police, Gilgit-Baltistan, Gilgit.
4. Superintendent of Police, Gilgit.
5. Senior Superintendent of Police/DDO CPO, GB Gilgit.

Respondents.

**WRIT PETITION UNDER ARTICLE 86(2) OF
GILGIT-BALTISTAN ORDER 2018 AND
ENABLING ARTICLES OF CONSTITUTION OF
ISLAMIC REPUBLIC OF PAKISTAN 1973 TO
THE EFFECT PETITIONER BEING REAL
BROTHER OF DECEASED ISHTIAQ HUSSAIN
(FOOT CONSTABLE) IS ENTITLED TO BE
APPOINTED UNDER PRIME MINISTER
ASSISTANT PACKAGE, BUT CONCERN
AUTHORITIES ARE NOT READY TO APPOINT
THE PETITIONER UNDER PRIME MINISTER
ASSISTANT PACKAGE.**

**FOR DIRECTION TO THE RESPONDENTS TO
APPOINT THE PETITIONER ON THE POST OF
FOOT CONSTABLE IN GILGIT-BALTISTAN
POLICE OR ANY OTHER POST ACCORDING TO
QUALIFICATION OF PETITIONER UNDER
PRIME MINISTER ASSISTANT PACKAGE TO
MEET THE ENDS OF JUSTICE, LAW AND
EQUITY.**

Present: Mr. Amjad Hussain, Advocate for the petitioner.
Assistant Advocate General for the respondents assisted
by Mr. Tajuddin, DSP (Legal).

Date of Hearing:

26-09-2019

Date of announcement of Judgment:

26-09-2019

JUDGMENT

(Ali Baig - - - J) Through the instant writ petition, filed by the petitioner namely Imran Hussain s/o Ameer Haider under Article 86(2) of Gilgit-Baltistan Order 2018 and enabling Articles of Constitution of Islamic Republic of Pakistan 1973, the petitioner has sought the following remedies:-

"It Is, therefore, humbly prayed that;

- a. *Respondents may kindly be directed to appoint the petitioner against the post of Foot Constable or any other post on the basis of his qualification and eligibility in GB Police.*
- b. *Any other relief/reliefs which this Hon'ble Court deems fit and proper in the circumstances may also be granted."*

2. The brief facts of the writ petition are that brother of the present petitioner, namely Ishtiaq Hussain, was serving in Police Department Gilgit-Baltistan as Foot Constable. The above named brother of the petitioner expired during his service on 10-01-2006. According to the Prime Minister Assistance Package, one eligible family member of deceased government employee will be appointed on regular basis against the post of BPS-1 to BPS-16, therefore, the present petitioner has filed this writ petition praying therein that direction may be issued to the respondents to appoint him against the post of Foot Constable (BPS-05).

3. After admitting this writ petition, copy of the same was supplied to the respondents with the direction to furnish parawise comments. Accordingly, the respondents have furnished parawise comments in this Court on

02-05-2019, wherein, they have raised certain legal objections and have also repudiated the averments/contents of writ petition by asserting/pleading that since the petitioner is brother of the deceased Foot Constable Ishtiaq Hussain, therefore, he is not entitled to be appointed under Prime Minister's Assistance Package, as either widow or children of the deceased are entitled for the same relief/benefit under this package.

4. The learned counsel appearing on behalf of the petitioner has contended that the deceased brother of the petitioner had not contracted marriage, so he had no children. Therefore, the petitioner being real brother/legal heir of the deceased Foot Constable is entitled to be appointed against the post of Foot Constable. The learned counsel for the petitioner further argued that the respondents have appointed many brothers of deceased employees of Police Department, but the respondents have declined to appoint the petitioner which is discrimination against the petitioner on the part of respondents, therefore, by accepting this writ petition, the respondents may be directed to appoint the petitioner against the post of Foot Constable (BPS-05).

5. On the other hand, the learned Assistant Advocate General vehemently opposed this writ petition by contending that under Prime Minister's Assistance Package for the families of deceased employees of Government of Gilgit-Baltistan, only one eligible family member/legal heir, i.e., widow, widower or children of the deceased government employee will be appointed on regular basis against the post of BPS-01 to BPS-15, whereas, the present petitioner is brother of deceased Ishtiaq Hussain (Foot Constable), therefore, he is not

eligible to be appointed against the post of Foot Constable, hence, this writ petition of the petitioner is not maintainable and liable to be dismissed.

6. We have heard the learned counsel for the parties and perused the record of the case with their able assistance.

7. Admittedly, the deceased brother of the present petitioner namely Ishtiaq Hussain (Foot Constable) had not contracted marriage, therefore, he had no children and he was the only sole bread winner of his parents. Accordingly, father of the petitioner has nominated the present petitioner for appointment against the post of Foot Constable under the Prime Minister's Assistance Package. The respondent No.3, vide Office Order No.IGP-NAR/4232-36/2006, dated 13th May, 2006, and Office Order No.IGP-1(1)AP/E-III/1283-88/2019, dated 29th January, 2019, has appointed Mr. Amjad Ali, brother of late F.C. Akbar Hussain, as LDC (BPS-05) and Mr. Zahid Hussain, real brother of late F.C. Arif Hussain, as ASI (BS-09) respectively, but the respondents are reluctant to appoint the petitioner as Foot Constable (BPS-05) on the pretext that under the Prime Minister's Assistance Package, brother of the deceased is not eligible to be appointed. Thus, this is discrimination on the part of respondents against the petitioner; hence, the present petitioner is also entitled to be appointed against the post of Foot Constable (BPS-05).

8. As a result of above discussion, this writ petition is allowed. Consequently, the respondents are directed to appoint the petitioner as Foot Constable (BPS-05) in Police Department of Gilgit-Baltistan within two months of the passing of this judgment. The respondents are further

directed to submit compliance report to this Court through Registrar of this Court for our perusal within two months positively. This writ petition is disposed of accordingly. File.

ANNOUNCED:

26-09-2019

CHIEF JUDGE

Approved (or signing).

