

IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN, AT
GILGIT

Cr. Original Petition No. 04/2013.

Before: -

Mr. Justice Rana Muhammad Arshad Khan, Chief Judge
Mr. Justice Raja Jalal-ud-Din, Judge.
Mr. Justice Muzaffar Ali, Judge.

1. Altaf Hussain Justice Retired.
2. Syed Tahir Ali Shah Justice Retired
3. Syed Jaffar Shah Justice retired.
4. Muhammad Yaqoob Justice Retired Supreme Appellate Court Gilgit-Baltistan

Petitioners

Versus

1. Syed Mutahir Ali Shah, Accountant General GB.
2. Jangi Bahadur Deputy Accountant General GB.

Respondent

PETITION UNDER ARTICLE 75 OF GILGIT-BALTISTAN EMPOWERMENT AND SELF GOVERNANCE ORDER 2009 READ WITH ARTICLE 204 OF CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN AND UNDER SECTION 3,5 OF CONTEMPT OF COURT ORDINANCE 2003 FOR INITIATION OF PROCEEDINGS FOR COMMITTING CONTEMPT OF THIS AUGUST COURT AGAINST THE RESPONDENTS, FOR ISSUING THE ILLEGAL NOTIFICATION DATE 10-10-2013 REGARDING THE STOPPAGE OF MONTHLY PENSION AND OTHER PRIVILEGES OF THE PETITIONER DESPITE THE CATEGORICAL DECISION GIVEN BY THIS APEX COURT IN THIS REGARD IN THE CASE SMC. 15/2010 DATED 24-03-2011. THE JUDGMENT OF THIS HONORABLE COURT BY ISSUING THE ILLEGAL NOTIFICATION/ORDER ERRONEOUSLY QUOTING THE JUDGMENT OF SUPREME COURT OF PAKISTAN IN CONSTITUTIONAL PETITION NO. 127/2012

Present:-

1. Advocate General Gilgit-Baltistan.
2. Mr. Muhammad Issa Sr. Advocate, counsel for the petitioners.
3. Mr. Mutahir Ali Shah Respondent No. 1 in person.
4. Mr. Jangi Bahadur respondent No. 2 in person.

DATE OF HEARING: - 25-06-2014.

JUDGMENT

Rana Muhammad Arshad Khan, CJ: The petitioners

herein were continuously drawing their pension alongwith

pensionary benefits and other perks and privileges since their retirement. The Accountant Gilgit-Baltistan vide Notification No. Pen/Court-cases/2013-14 dated 10-10-2013, “ Marked A” stopped monthly pension and other privileges of the Hon’ble retired Judges of Supreme Appellate Court Gilgit-Baltistan.

The petitioners moved a contempt application against the respondents with the prayer that they be proceeded against, under relevant provision of law of Contempt of Court. The Court vide order dated 11-11-2013 directed the office to issue notices to the respondents for their personal appearance before the Court on the next date of hearing and at the same time the learned Advocate General Gilgit-Baltistan, was also directed to be present in Court for the assistance of the Court. The respondent No. 2 namely Jangi Bahadur, Deputy Accountant General, Gilgit-Baltistan, appeared before the Court in person and submitted his reply “Marked B” stating therein that the Notification dated 10-10-2013 has been withdrawn and he has also tendered unconditional written apology before the Court. The respondent No. 1 did not appear on the date of hearing i.e. 21-11-2013, due to his transfer and posting from Gilgit to Islamabad. The Court had shown its displeasure for his non appearance and issued bailable warrant for his personal appearance before the Court. The bailable warrant was accordingly issued, executed and in response thereof, the respondent No. 1 appeared in Court in person and also submitted his reply “Marked B”, elaborating

therein that the Notification No. Pen/Court-cases/2013-14 dated 10-10-2013, by virtue of which the pension and other privileges of the Honorable Judges of the Supreme Appellate Court Gilgit-Baltistan have been withdrawn, he also tendered his unconditional written apology before the Court.

Today i.e. 25-06-2014, the respondents No. 1 & 2 personally appeared in Court and made their explanation to the effect that payment of pension and other privileges were stopped on the directions of the high ups of their department, but the notification in question has now been withdrawn, but the notification in question has now been withdrawn vide order No. Pen/Court-cases/2013-14 dated 30-10-2013 "Marked C". The said Notification for the stoppage of the pension and other privileges of the Hon'ble retired Judges of Supreme Appellate Court GB was issued due to some misunderstanding and the same has been withdrawn.

The respondents present in Court have shown remorse and repentance of their action. They, during the proceeding of the case, have verbally stated that since the notification was issued inadvertently and they put themselves at the mercy of the Court while tendering unqualified apology and also state that they will remain careful in future.

In this view of the matter the learned Counsel for the petitioners does not press the contempt application any more. The Court in view of the statement made by the learned Counsel for the petitioners and the compunction shown by the

respondents in the Court, accepts the apology tendered by them and the petition in hand is disposed of accordingly.

Chief Judge

Judge

Judge