

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

Before:-

**Mr. Justice Dr. Rana Muhammad Shamim, Chief Judge.
Mr. Justice Javed Iqbal, Judge.
Mr. Justice Shahbaz Khan, Judge.**

**Civil Revision. No. 06/2015 in
SMC No. 15/2010.**

(Pension of Ex-Chief Judge Supreme Appellate Court)

PRESENT:-

1. The Deputy Attorney General for Pakistan at Gilgit-Baltistan.
2. The Advocate General Gilgit-Baltistan.

DATED OF HEARING: - 12.04.2016.

JUDGMENT.

Dr. Rana Muhammad Shamim, CJ..... This Civil Review Petition has been directed against the judgment dated 24.03.2011 in SMC. No. 15/2010 passed by this Apex Court in case titled “Pension of Ex-Chief Judge Supreme Appellate Court” reported as (2011 in GBLR 388) to examine as to whether the same was in line with the Supreme Court of Pakistan. Whereby, this court has adopted that the remuneration and terms and conditions of Judges of Supreme Court of Pakistan are governed by the Supreme Court Judges (Leave, Pension and Privileges) order, 1997, President’s order No. 2 of 1997. The above order 1997 has been adopted with certain modifications by the Supreme Appellate Court in a full Court meeting held on 07.07.2010 vide notification of even date and the same has been incorporated in the impugned judgment but some modifications are not in consonance with the Order 2 of 1997 and hence repugnant to Article 60(10) of Gilgit-Baltistan

(Empowerment & Self Governance) Order, 2009 which are reproduced as under:-

The Hon'ble Retired Judges of Supreme Court of Pakistan in terms of Para- 25 of President's Order 2 of 1997 are entitled to the benefit of the services of a driver and an orderly, whereas, the impugned judgment entitles the Hon'ble retired judges of Supreme Appellate Court the additional facility of services of personal Assistant (BPS-15) and a Contingent employee (BPS- 01) of his choice, which is not in line with the Supreme Court of Pakistan. Therefore, the following paragraph incorporated at page 11 may please be omitted to meet the ends of justice.

“Notwithstanding the privileges contained on P.O. No. 2 of 1997, Chief Judge and a Judge of Supreme Appellate Court Gilgit-Baltistan on completion of tenure will be authorized to engage the services of Personal Assistant BPS- 15 and a contingent employee BPS-01 of his choice within the allocated budget of the court”.

The Judges of Supreme Court of Pakistan are entitled to use a vehicle of the engine capacity of 1800 CC and another Car for use of their Families during their tenure of office is also provided to them. They can purchase only one Car of the engine capacity of 1800 CC on his retirement. Whereas, a Judge of Supreme Appellate Court, on expiry of his tenure vide corrigendum dated 12.07.2010, has been made entitled for purchase of a Car/Vehicle in his use or from pool of the court without of any engine capacity, on payment of depreciated book value, it is therefore, required that on retirement, a Judge be allowed to purchase a car of the engine capacity 1800 CC on not a jeep of the engine capacity of above 1800 CC on payment depreciated value as contained in notification dated 31.05.1991 issued by Ministry of Law, Government of Pakistan to avoid inconsistency between Article 60(10) of Gilgit-Baltistan (Empowerment & Self Governance) order, 2009 and the Judgment at page 10 Para 21 Note (b). it is, therefore, necessary that Para 21 (b) at page 10 of the Judgment may kindly be omitted.

The territory of Gilgit-Baltistan is governed by the Gilgit-Baltistan (Empowerment & Self Governance) order, 2009 Order, 2009 and the Hon'ble Chairman of Gilgit-Baltistan Council is the appointing authority of the Hon'ble Chief Judge, Gilgit-Baltistan subject to consultation with the Hon'ble Governor, Gilgit-Baltistan. Para 14 of the above Notification at Page 18 of the impugned judgment under the heading “Authority Competent to grant leave” provides as under.

“Authority Competent to grant leave. The authority competent to grant leave or refuse leave, or to revoke or curtail leave already granted, shall, in the case of Chief Justice be the President and, in the case of Judges, the Chief Justice.”

Keeping in view the special circumstances of Gilgit-Baltistan and the spirit of Gilgit-Baltistan (Empowerment & Self Governance) order, 2009, the word “President” needs to be replaced with “Governor Gilgit-Baltistan”.

In view of the above discussions we hold as under:-

1. The Hon’ble Retired Judges of Supreme Court of Pakistan in terms of Para- 25 of President’s Order 2 of 1997 are entitled to the benefit of the services of a Personal Assistant BPS- 07, a driver and an orderly.

2. The Judges of Supreme Court of Pakistan are entitled to use a vehicle of the engine capacity of 1800 CC and another Car for use of their Families during their tenure of office is also provided to them. They can purchase only one Car of the engine capacity of 1800 CC on his retirement. Whereas, a Judge of Supreme Appellate Court on expiry of his tenure vide corrigendum dated 12.07.2010, has been made entitled for purchase of a Car/Vehicle in his use or from pool of the court without of any engine capacity, on payment of depreciated book value, it is therefore, required that on retirement, a Judge be allowed to purchase a car of the engine capacity 1800 CC on not a jeep of the engine capacity of above 1800 CC on payment depreciated value as contained in notification dated 31.05.1991 issued by Ministry of Law, Government of Pakistan to avoid

inconsistency between Article 60(10) of Gilgit-Baltistan (Empowerment & Self Governance) order, 2009.

3. That the special circumstances of Gilgit-Baltistan and the spirit of Gilgit-Baltistan (Empowerment & Self Governance) order, 2009, the word “President” shall stand replaced with “Governor Gilgit-Baltistan”.

Consequently, this Review Petition is allowed and the judgment dated 24.03.2011 in SMC. No. 15/2010 passed by this apex court shall stand reviewed in above terms.

The Review Petition is allowed.

Chief Judge.

Judge.

Judge.

Whether the case is fit to be reported or not?