

**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.

C. Misc. No. 75/2016

In

CPLA No. 83/2014.

1. Provincial Government through Chief Secretary Gilgit-Baltistan.
2. Secretary Services Gilgit-Baltistan.
3. Inspector General of Police Gilgit-Baltistan. **Petitioners.**

Versus

1. Muhammad Anwar Khan (Rtd SP) Gilgit-Baltistan Police (Deceased) through his legal heirs.
2. Mst. Sartaj Begum w/o Late Muhammad Anwar Khan.
3. Zakia Anwar.
4. Kaisar Abbas.
5. Attia Zehra.
6. Khuram Jamal.
7. Tariq Jamal daughters and sons of late Muhammad Anwar Khan residents of Amphary Gilgit. **Respondents.**

PRESENT:-

1. The Advocate General alongwith Mr. Ali Nazar Khan Advocate-on-Record for the petitioners.

DATE OF HEARING: - 06.09.2016.

ORDER.

Dr. Rana Muhammad Shamim, CJ..... The learned Advocate General submits that the respondent late Muhammad Anwar Khan retired from Police Department Government of Gilgit-Baltistan as Superintendent of police on 10.07.2009. He also submits that the respondent filed a Writ Petition for anti-date Proforma Promotion on 18.04.2011 as Assistant Inspector General (AIG) BPS-19 after two years of his retirement and during pendency of the said Writ Petition the respondent has died on 15.11.2013. He

further submits that after establishment of Gilgit-Baltistan Service Tribunal the case of the respondent has been transferred to Gilgit-Baltistan Service Tribunal on 19.03.2014 who upon hearing allowed the service appeal of the respondent vide judgment dated 10.11.2015, hence, this petition for leave to appeal.

2. The learned Advocate General submits that the learned Gilgit-Baltistan Service Tribunal without considering maintainability of the service appeal allowed the same vide impugned judgment dated 10.11.2015 which is not sustainable and liable to be set aside being the result of misinterpretation of law and misreading/non-reading of the facts of the case. He finally argued that at the time of the retirement of the respondent no post was available to promote the respondent and the appeal was filed by the respondent after two years of his retirement, hence, the same was not tenable and the learned Gilgit-Baltistan Service Tribunal has failed to apply its judicial mind while allowing the appeal of the respondent.

3. We have heard the learned Advocate General at length, perused the record of the case file and gone through the impugned judgment dated 10.11.2015 passed by the learned Gilgit-Baltistan Service Tribunal. The learned Advocate General could not point out any infirmity and illegality in the said impugned judgment. The perusal of the case file transpires that a feeding post of SP BPS-18 i.e. the Assistant Inspector General BPS-19 was vacant against which the respondent was required to be promoted as it was to be

filled in through promotion from amongst the SSP/SPs of Gilgit-Baltistan police. The working paper for promotion of the respondent as AIG was also prepared and the same was forwarded, however, the meeting of the DPC could be convened till the retirement of the respondent for the reasons best known by the petitioners.

4. In view of the above discussions, we are not inclined to grant leave. The leave to appeal is refused accordingly. Consequently, the impugned judgment dated 10.11.2015 in Appeal No. 347/2014 passed by the learned Gilgit-Baltistan Service Tribunal is maintained.

5. The leave is refused.

Chief Judge.

Judge.

Judge.

Whether the case is fit to be reported or not?