

IN THE SUPREME APPELLATE COURT GILGIT-BALTISTAN

GILGIT.

C.APPEAL No.03/2014 in

C.P.L.A NO.34/2013

Before :- Mr.Justice Rana Muhammad Arshad Khan Chief Judge.

Mr.Justice Raja Jalal-ud-Din, Judge.

Mr.Justice Muzaffar Ali, Judge.

Provincial Government through Chief Secretary Gilgit-Baltistan and others

Petitioners

Versus

Naeem-ud-Din OT/Arabic Teacher Boys High School No.1 Gilgit and others.

Respondents

PETITION FOR LEAVE TO APPEAL UNDER ARTICLE 60 OF GILGIT-BALTISTAN (EMPOWERMENT AND SELF GOVERNANCE) order 2009 AGAINST THE JUDGMENT DATED 06-05-2013. PASSED BY THE CHIEF COURT GILGIT-BALTISTAN.

**Prersent :- 1. The Advocate General Gilgit-Baltistan on behalf of the provincial Government.
2. Mir Akhlaq Hussain, Advocate on behalf of the respondents.**

DATE OF HEARING :- 27-10-2014.

ORDER:

Mr.Justice Muzaffar Ali J..... This petition for leave to appeal is directed against the judgment dated 06-05-2013, passed by a Division Bench of the learned Chief Court Gilgit-Baltistan, whereby the present petitioners were given directives to give effect to the orders of promotion of the present respondents from the date of their promotion in BPS-14-16. This petition for leave to appeal is apparently time barred by 23 days despite that, we granted this petition to consider the objection raised by the learned Advocate General about the order sheets maintained by the Assistant Registrar of the Chief Court, as the same objection required deeper appreciation.

2. Today, we heard the learned Advocate General and the counsel for respondents. Their able assistance brought us to the conclusion that, certainly, the Assistant Registrar has committed some legal errors during maintaining order sheets and has crossed his limits as even he has issued some directives to the parties in the order sheets maintained by him.

3. We have taken serious note of the errors made by the Assistant Registrar Chief Court and warn the Administrative Officers of the Chief Court to understand their power limits and refrain from acting as a Judge during course of their duties. However, the mistakes made by the Assistant Registrar in the case in hand, give no way to consider the impugned judgment void or without lawful authority. The impugned judgment is independent of any influence of the mistakes made by the Assistant Registrar and based on admission made by the respondent. Hence it is held that, the Limitation runs against the petition.

4. Last but no the least the learned Advocate General solicits condonatiion of the delay in reference with an application under section 5 Limitation Act, filed along with the petition for leave to appeal. The application is perused, which states grounds of condonation as that, the delay in filing of the petition for leave to appeal before this court, has been caused because of adaptation of the self created procedure to seek permission from higher authorities to file the same before the court. 5. The Limitation Act does not recognize this method which is always used by the Government departments. No concession in this regard has been given by the law to any Government or any department of it. Section 5 of the Limitation Act demands from the parties seeking condonatiion, to account for each and every day of the delay and to prove circumstances inevitable and beyond human control. The August Supreme Curt of Pakistan is also in consonance with us in holding this view in an identical case reported 2000 SCMR page 648. The order of the

August Supreme Court of Pakistan is short but very precise which is reproduced here in under :-

“ORDER”

“The petition is barred by ten days. The delay is sought to be condoned on the ground that the petitioners first sought the advice of the Law and Justice Division, Islamabad for filing the petition for leave to appeal. Thereafter certified copy of judgment was obtained and the delay occurred due to completion of necessary official formalities in the department of the petitioners.

2.We are afraid, the plea raised by the petition relates to their internal difficulties for which the opposite party cannot be penalized. It is well settled that the Government does not enjoy any preferential treatment qua an ordinary litigant in the applicability of Law of Limitation. The petition is dismissed as time barred . “

6. Since the learned Advocate General has failed to submit any cogent ground to get condonation of the Limitation in filing the petition for leave to appeal before this court as such the appeal is dismissed as time barred with out going into the merits of the appeal. No order as to cost. File.

Announced.

27-10-2014

Chief Judge

Judge

Judge