

**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. Misc. No. 05/2016 in

CPLA. No. 25/2016.

1. Provincial Government through Chief Secretary Gilgit-Baltistan, Gilgit.
2. Secretary Agriculture, Livestock and Fisheries Gilgit-Baltistan, Gilgit.
3. Secretary Home and Services Gilgit-Baltistan, Gilgit.
4. Secretary Finance Gilgit-Baltistan, Gilgit.

Petitioners.

Versus

Dr. Muhammad Zaboora Ex- Director Animal Husbandry Department of Livestock (LDD) and Dairy Development Gilgit-Baltistan, Gilgit.

Respondent.

PETITION FOR LEAVE TO APPEAL UNDER ARTICLE 60 OF GILGIT-BALTISTAN (EMPOWERMENT & SELF GOVERNANCE) ORDER 2009 AGAINST THE IMPUGNED JUDGMENT DATED 13.11.2015 PASSED BY SERVICE TRIBUNAL GILGIT-BALTISTAN IN SERVICE APPEAL NO. 466/2014 WHEREBY ACCEPTING THE APPEAL PETITIONERS HAVE BEEN DIRECTED TO PREPARE WORKING PAPER FOR PROMOTION OF RESPONDENT FROM 17.10.2007 TO 19.12.2008 AGAINST THE VACANT POST DIRECTOR HUSBANDRY (LIVESTOCK) GILGIT-BALTISTAN BPS-19.

PRESENT:-

1. The Advocate General Gilgit-Baltistan for the petitioners.
2. Dr. Muhammad Zaboora respondent is present in person.

DATE OF HEARING: - 29.04.2016.

JUDGMENT.

Dr. Rana Muhammad Shamim, CJ..... The learned Advocate General contends that the respondent filed a service appeal in Gilgit-Baltistan Service Tribunal claiming proforma promotion against the post of Director Animal Husbandry (Live Stock) BPS-19 on the grounds that after bifurcation of Directorate of Agriculture into three Directorates i.e. Agriculture, Live Stock &

Fisheries, two posts of Directors Animal Husbandry (Live Stock) & Fisheries were created. The respondent was assigned the duty of Director Animal Husbandry on 17.10.2007 on Current Charge basis and he retired on 19.12.2008 attaining the age of superannuation in the post of Deputy Director Animal Husbandry. He submits that upon hearing, the learned Gilgit-Baltistan Service Tribunal vide its judgment dated 13.11.2015 in appeal No. 466/2014 accepted the appeal of the respondent while directing the petitioners to prepare working papers for promotion of the respondent from 17.10.2007 to 19.12.2008 against the vacant post of Director Animal Husbandry (Live Stock) BPS-19 alongwith all back benefits including pensionary benefits.

The learned Advocate General also contends that the impugned judgment dated 13.11.2015 passed by the learned Service Tribunal Gilgit-Baltistan is not sustainable on the ground that the respondent had not filed departmental appeal before the competent authority and the respondent filed an application before the Departmental Promotion Committee (DPC) which is not a competent forum. He also submits that the appeal filed by the respondent was time barred and the respondent was retired as Deputy Director Animal Husbandry which he accepted and availed the pensionary benefits as well. The learned Service Tribunal did not consider the above mentioned points while passing the impugned judgment.

We have heard the learned Advocate General at length, perused the record of the case file and gone through the impugned judgment dated 13.11.2015 in Appeal No. 466/2014 passed by the learned Gilgit-Baltistan Service Tribunal. In our considered view the impugned judgment passed by the learned Service Tribunal Gilgit-Baltistan is well reasoned and well founded. No interference is warranted into it. The learned Advocate General could not point out any illegality and infirmity in the impugned judgment. Consequently we convert this petition into an appeal and the same is dismissed. The impugned judgment dated 13.11.2015 in Appeal No. 466/2014 passed by the learned Gilgit-Baltistan Service Tribunal is maintained.

The petition is dismissed.

Chief Judge.

Judge.

Judge.

Whether the case is fit to be reported or not?