

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

BEFORE:-

**Mr. Justice Dr. Rana Muhammad Shamim, Chief Judge,
in Chamber.**

CPLA NO. 08/2013

Kamal Hussain & Others

Petitioners.

VERSUS

Shabbir Ahmed & others

Respondents.

**PETITION FOR LEAVE TO APPEAL UNDER ORDER
XIII OF SUPREME APPELLATE COURT GILGIT-
BALTISTAN RULES 2008 READ WITH ARTICLE 60 OF
GILGIT-BALTISTAN (EMPOWERMENT & SELF
GOVERNANCE ORDER 2009 AGAINST THE
JUDGMENT DATED 19-04-2013 PASSED BY THE
DIVISION BENCH OF CHIEF COURT GB.**

Present:-

1. Advocate General Gilgit-Baltistan alongwith Mr. Rahim Gul, Secretary Law GB.
2. Malik Shafqat Wali, Sr. Advocate alongwith Mr. Amjad Hussain, Advocate for the petitioners.
3. Mr. Mumtaz Ahmed, Registrar, Chief Court, GB.
4. Deputy Attorney General for Pakistan at GB.

DATE OF HEARING: - 14-09-2015.

ORDER

Dr. Rana Muhammad Shamim, CJ.....The learned counsel for the petitioner contends that there is no infirmity and illegality in the judgment passed by the learned Division Bench of Chief Court, Gilgit-Baltistan in Writ Petition No. 3/2012 dated 10.09.2012 which is based in accordance of the facts, circumstances and procedure to appoint the Judges in various High Courts of the Provinces of Pakistan.

The learned Advocate General, Gilgit-Baltistan alongwith Mr. Rahim Gul, Secretary Law, Gilgit- Baltistan contends that since the Government of Gilgit-Baltistan issued Gazzet SRO No.

909(1)/2014 in exercise of power conferred by article 79 of the Gilgit-Baltistan (Empowerment & Self Governance) Order, 2009, the Chief Judge, Chief Court with the approval of Governor Gilgit-Baltistan amended in section 6, 7 and 12 of the Gilgit-Baltistan Judicial Service Rule, 2010 the same notification is reproduced as under:-

“PREAMBLE.___ *whereas it is expedient further to amend the Gilgit-Baltistan Judicial Service Rules, 2010 for the purposes hereinafter appearing.*

It is enacted as follows

4. *Short title and commencement.--- (1) these rules may be called the Gilgit-Baltistan (Amendment) Judicial Service Rules, 2014.*

(4) They shall come into force at once.

6. *Substitution of sub section (1) and (1) (a).*

In section 6 sub-section (1) & (1)(a), the following shall be substituted namely.

(1) In case of initial recruitment as Civil Judge-cum-Judicial Magistrate if he is less than twenty-two years more than thirty-five years of age. The maximum age limit would be thirty Five (35) years.

(c) In case of Government servant who has served in connection with the affairs of the Federal or the Gilgit-Baltistan Government or in any other department function in Gilgit-Baltistan for a period not less than 05 years, the upper age limit shall be thirty seven years (37 years).

No relaxation in upper age limit would be allowed, including the (relaxation of upper age limit) Rules 1993, in any case.

7. *Explanation.--- In section 7 at the end of Explanation, the following shall be inserted “and Assistant Registrar”.*

12. *Substitution of section 12 of the Gilgit-Baltistan Judicial Service Rules 2010; in section 12, the following shall be substituted namely: ---*

“The Chief Judge may relax any of these rules subject to reason I writing, if the Chief Judge is satisfied that a strict application of the rules would cause undue hardship and his decision shall be final in such matter”.

MUMTAZ AHMED
Registrar

In view of the above, this petition become infructuous, the order dated 06.06.2014 is hereby recalled. Mr. Amjad Hussain, Advocate for the petitioners contends that the applicants who applied

for the post of Civil Judges-cum-Judicial Magistrates their maximum age be calculated from the date of filing of their application for such posts.

The contentions raised by the learned counsel for both the petitioner and respondents are genuine and the same are in accordance with law, hence, the same is allowed.

The learned Registrar Chief Court Gilgit-Baltistan is also present in the Court. He is directed to implement the order of this court in its letters and spirits and the vacant posts be filled in at the earliest. The process of examination of its result and test/interview thereto be completed expeditiously, so that the successful candidates on merit be selected and appointed as Civil Judges-cum-Magistrates accordingly.

The petition in hand is accordingly disposed of.

Chief Judge.