

**IN THE SUPREME APPELLATE COURT, GILGIT-BALTISTAN,
GILGIT
(Original Jurisdiction)
SMC No.08/2011**

Complaint Against AGPR Gilgit

Before: **Mr. Justice Rana Muhammad Arshad Khan, Chief Justice
Mr. Justice Syed Jaffar Shah, Judge.
Mr. Justice Muhammad Yaqoob Khan, Judge.**

Present:

Mr. Asad ullah Khan, Advocate General, Gilgit-Baltistan.
Mr. Iqbal Shah, Deputy Accountant General,
Mr. Jangi Bahadur, Accounts Officer,
Mr. Mustufa Assistant Accounts Officers
Mr. Hashmat Ullah, Assistant Accounts Officer.

Date of hearing: 14-03-2012

ORDER

The Assistant Registrar of this court put up a Note on 23-06-2011 to the effect that Accountant General Pakistan Revenue, Gilgit-Baltistan vide his letter No. TA-I/Court/2010-11-1418 dated 23rd June, 2011 to the effect that Accountant General Pakistan Revenue, Gilgit-Baltistan vides his letter No. TA-I/ Court/ 2010-11-1418 dated 23rd June, 2011 had canceled the cheque bearing No. 3238391 dated 22nd June, 2011 which was issued in favour of New Capital Cars Islamabad for the reason that there was a ban on purchase of new Luxury Vehicles from a private dealer. Whereas, he was repeatedly informed that the Chief Judge, Supreme Appellate Court, Gilgit- Baltistan in exercise of powers within the allocated budget had sanctioned to purchase old vehicle for Liaison Office at Islamabad. The cancellation of cheque was amounting to distespect and disgrace to the Court and the same is deemed an interruption and intervention in the work/affair of the Court. This Note was put up to the Registrar. Who has proposed that the matter may be placed before division bench of the Court?

2. The matter came up before the court on 24/06/2011. The Court observed that the Accountant General Gilgit- Baltistan despite notices remained absent on the date of hearing i.e. 24/06/2011 and two other officers of AGPR, Raja Janghi Buhadur, Accounts Officer and Mr. Mustufa Assistant Accounts Officer entered appearance in the court and they had stated that Accountant General Gilgit- Baltistan was busy in his office in routine matters. It was observed further that the Accountant General Gilgit-Baltistan was directed to explain his position as to why he had not appeared and as to whether his conduct is an interference and interruption in the affairs of the Court. In this view of the matter the conduct of AGPR Gilgit squarely falls within the ambit of Article 75 of Gilgit- Baltistan (Empowerment and Self-Governance) Order, 2009.

3. On 04/07/2011 "Abdul Hameed Pasha" Accountant General Gilgit- Baltistan in pursuance of the order of this Court appeared in Chamber and placed on record his reply to show cause notice dated 02-07-2011 (Annex "A") wherein he has very categorically stated that being a senior officer, he cannot think of defying the court orders.

4. On 08-08-2011, another incident had taken place and this court had also taken the notice to the effect that the staff of AGPR called a strike on 24th July, 2011 while raising derogatory slogans and staged an agitation at the main gate of the Court. In addition thereto a report was lodged by another official of AGPR consequent whereupon a case was registered under Section 500/501 PPC against Liaqat Alam and his brother with the police Station Gilgit City who had filed the complaint against Accounts Officer before this court. Moreover, Mr. Issa Haleem reporter of Daily K-2 had also informed the court about attack on Muneer Ahmed Tariq a news reporter and the court had asked the concerned SHO to submit his report about the incident on the next date of hearing. It was noticed that the AGGB has neither tendered

unconditional apology nor has submitted satisfactory reply to show cause notice. He was directed to submit a proper reply in this regard whereas 04 other officials of AGPR namely, Mr. Iqbal Shah, Deputy Accountant General, Mr. Jangi Bahadur, Accounts Officer, Mr. Mustufa and Mr. Hashmat Ullah, Assistant Accounts Officers were issued show cause notice as to why they may not be proceeded against for committing contempt of Court. The aforesaid officials in pursuance of the Order submitted reply to show cause notice.

5. On 19-09-2011, Mr Abdul Hameed Pasha had appeared in the Court in person alongwith his counsel in reply to the show cause notice for contempt of Court issued to him. Since, the respondent officer having realized his misconduct and had shown his sincere repentance and tendered unconditional and unqualified apology, the court accepts the apology and discharge the notice.

6. The Court vide order dated 08/08/2011 directed the AGPR to hold an inquiry into the conduct of officers and on the completion of inquiry the responsibility of the employees be also fixed who had committed act of raising slogans derogatory to the honour and respect of the Court. He, in pursuance thereof, had appointed Mr. Muhammad Raza, Accounts Officer as inquiry Officer. Since, it was a very serious matter pertaining to the institution of judiciary, they cannot be allowed to disgrace and lower the dignity, honour and authority of the Court and it was considered appropriate to inquire into the matter by an independent inquiry committee to be constituted by Chief Secretary Gilgit- Baltistan. The Inquiry Committee was constituted accordingly and required to conclude the proceedings within a period of one month and on the completion of the inquiry the report would be submitted to the Registrar of this Court.

7. So far the tendering of unconditional apology of other officials namely, Mr. Iqbal Shah, Deputy Accountant General, Mr. JMangi Bahadur, Accounts Officer, Mr. Mustufa and Mr. Hashmat Ullah, Assistant Accounts Officers of AGPR would be considered on receipt of inquiry report.

8. The Committee was comprising of Mr. Khalid Mehmood as Chairman, Mr. Muhammad Ali Khan, DIG as Member, Mr. Tariq Rizwan Azad, Sr. Assistant Registrar, Supreme Appellate Court Gilgit- Baltistan as Member and Mr. Ghulam Haider, Deputy Accounts Officer Skardu as Member of the inquiry Committee

9. The minute examination of the inquiry report reveals that the matter was thoroughly inquired and after recording statements of the witnesses, it was concluded/recommended that since the apology tendered by the Accountant General Gilgit-Baltistan has already been accepted by this Court and the issue of Cheque has also been settled, so the case may be filed without and further acton.

10. Today Mr. Iqbal Shah, Deputy Account General, Mr. Jangi Bahadur, Accounts Officer, Mr. Mustufa and Mr. Hashmat Ullah, Assistant Accounts Officers of AGPR are present in person in Court. They have surrendered themselves at the mercy of the Court and claimed unconditional and unqualified apology sincerely and have shown their repentance.

11. In view of the above discussion, we deem it proper to accept their unconditional apology and discharge the contempt notices issued to them in he interest of justice. Order accordingly. This Suo Moto Case Stands disposed of.

Chief Judge

Judge

Judge