SUPREME COURT OF AZAD JAMMU AND KASHMIR

[Appellate Jurisdiction]

PRESENT:

Ch. Muhammad Ibrahim Zia, C.J. Ghulam Mustafa Mughal, J.

1. Civil Appeal No. 66 of 2016 (PLA filed on 25.11.2015)

Asif Asadullah, Sub Divisional Officer PWD, now posted in Forward Kahuta, Tehsil and District Haveli.

..... APPELLANT

VERSUS

- 1. Secretary Works and Communication having its office at New Secretariat, Muzaffarabad.
- 2. Secretary Physical Planning and Housing having his office at New Secretariat, Muzaffarabad.
- 3. Chief Engineer PWD Highways North/South, Muzaffarabad.
- 4. Chief Engineer PWD North/South, Muzaffarabad.
- 5. Chief Engineer PWD, Public Health, Muzaffarabad.
- 6. Khawaja Tariq Iqbal, sub-Divisional Officer, Public Health sub-Division, Dhirkot, District Bagh.
- 7. Waqar Ahmed, SDO Highways, Division Mirpur.

.... RESPONDENTS

- 8. Shoukat Ali,
- 9. Abdul Raheem,
- 10. Wajid Abbasi,

- 11. Mubarak Ali,
- 12. Javed Anwar Abbasi,
- 13. Ch. Muhammad Sagheer,
- 14. Altaf Awan,
- 15. Haseeb Anwar Abbasi,
- 16. Tajammal Hussain Awan all sub-Divisional Officer PWD, Muzaffarabad.

..... PROFORMA RESPONDENTS

(On appeal from the judgment of the Service Tribunal dated 26.10.2015 in Service Appeals No.988, 1041, 1066, 1102, 1103, 1138 and 1142 of 2011)

FOR THE APPELLANT: Syed Nazir Hussain

Shah Kazmi, Advocate.

FOR THE RESPONDENTS: M/s. Raza Ali Khan,

Advocate - General, Abdul Rashid Abbasi and Ch. M. Aslam

Raza, Advocates.

2. Civil Appeal No. 67 of 2016 (PLA filed on 04.10.2016)

- 1. Azad Jammu & Kashmir through its Chief Secretary Muzaffarabad.
- 2. Secretary Works & Communication having its office at New Secretariat Muzaffarabad.
- 3. Secretary Physical Planning & Housing having its office at New Secretariat Muzaffarabad.

- 4. Chief Engineer PWD Highway North Muzaffarabad.
- 5. Chief Engineer PWD Highway South Muzaffarabad.
- 6. Chief Engineer PWD Public Health (North/South) Azad Jammu & Kashmir Muzaffarabad.
- 7. Chief Engineer Building (South), Muzaffarabad.
- 8. Chief Engineer Building (North), Muzaffarabad.

..... APPELLANTS

VERSUS

- 1. Rizwan Azad SDO PMU Mirpur.
- 2. Raja Ammad Khalid, SDO Highways Division Bhimber present posted at Sub Engineer Highways Division District Kotli.
- 3. Umer Draz, SDO Public Health Engineering Division Mirpur.
- 4. Mirza Sajid Baig, SDO PWD Highway Division Kotli.
- 5. Abdul Waheed Bin Arif SDO Building Division Rawalakot Present Posted as Sub Engineer Highway Division Palandri,
- 6. Asif Hayat SDO PWD Public Health Engineer Rawalakot present posted as sub Engineer Building Rawalakot.
- 7. Mushtaq Ahmed Awan SDO PWD MSR&IP, Muzaffarabad.
- 8. Asif Abdullah SDO PWD Highways Division Forward Kahuta, District Haveli.
- Shoukat Ali SDO PWD Highways Division Pallandri,
- Abdul Raheem SDO PWD Highways Division, Rawalakot.
- 11. Wajid Abbasi, SDO PWD Highways Division, Rawalakot.
- 12. Mubarak Ali, SDO PMU, Mirpur.

- 13. Javed Anwar Abbasi, SDO PWD Highways Division, Bagh.
- 14. Ch. Muhammad Sagheer, SDO PWD Highways Division, Muzaffarabad.
- 15. Altaf Awan, SDO PWD Highways Division, District Neelum.
- 16. Haseeb Anwar Abbasi, SDO PWD Highways Division, District Neelum.
- 17. Tajammal Hussain Awan, Sub Divisional Officers PWD Public Health Engineer Division, Muzaffarabad.
- 18. Ishtiaq Ahmed, Assistant Engineer Road Division Pallandri.
- 19. Mirza Mujahid Hussain, Sub Divisional Officer Public Health Sub Division Dudyal, District Mirpur.

.... RESPONDENTS

(On appeal from the judgment of the Service Tribunal dated 26.10.2015 in Service Appeals No.988, 1041, 1066, 1102, 1103, 1138 and 1142 of 2011)

FOR THE APPELLANTS: Mr. Muhammad Zubair

Raja, Addl. Advocate-

General.

FOR THE RESPONDENTS: Syed Nazir Hussain

Shah Kazmi, Sardar M. Riaz Khan, Ch. M. Aslam Raza, Jahandad Khan Mughal and Syed Shafqat Hussain

Gardezi, Advocates.

3. Civil Appeal No. 68 of 2016 (PLA filed on 07.01.2016)

- 1. Waqar Ahmed Sub Divisional Officer, Highway Division Communication & Works Department, Mirpur.
- 2. Khawaja Tariq Iqbal, Sub Divisional Officer, Public Health Engineering Division, Bagh.

..... APPELLANTS

VERSUS

- Rizwan Azad Sub Divisional Officer, PMU Mirpur.
- 2. Raja Ammad Khalid, Sub Divisional Officer Highways Division, District Kotli.
- 3. Umer Draz, Sub Divisional Officer, C/o Secretariat Communication & Works Department, Muzaffarabad.
- 4. Mirza Sajid Baig, Sub Divisional Officer, c/o Secretariat Communication & Works Department, Muzaffarabad.
- 5. Abdul Waheed Bin Arif, Sub-Engineer, Public Works Department, Highways Division, Pallandri.
- 6. Asif Hayat, Sub-Engineer, Public Works Department, Building Division, Rawalakot.
- 7. Mushtaq Ahmed Awan Sub Divisional Officer, c/o Secretariat Communication & Works Department, Muzaffarabad.
- 8. Asif Abdullah, Sub Divisional Officer, Public Works Department Highways Division, Forward Kahuta, District Haveli.
- 9. Shoukat Ali Sub Divisional Officer, Public Works Department Highways Division, Pallandri,
- 10. Abdul Raheem, Sub Divisional Officer, Public Works Department Highways Division, Rawalakot.
- 11. Wajid Abbasi, Sub Divisional Officer, Public Works Department Highways Division,, Rawalakot.
- 12. Mubarak Ali, Sub Divisional Officer PMU, Mirpur.

- 13. Javed Anwar Abbasi, Sub Divisional Officer, Public Works Department Highways Division, Bagh.
- 14. Ch. Muhammad Sagheer, Sub Divisional Officer, Public Works Department Highways Division, Muzaffarabad.
- 15. Altaf Awan, Sub Divisional Officer, Public Works Department Highways Division, District Neelum.
- 16. Haseeb Anwar Abbasi, Sub Divisional Officer, Public Works Department Highways Division, District Neelum.
- 17. Tajammal Hussain Awan, Sub Divisional Officer, Public Works Department Highways Division, Muzaffarabad.
- 18. Ishtiaq Ahmed, Sub Divisional Officer, Public Works Department Highways Division, District Pallandri.
- 19. Mirza Mujahid Hussain, Sub Divisional Officer Public Health Sub Division, Dudyal, District Mirpur.

.... RESPONDENTS

- 20. Azad Government of the State of Jammu & Kashmir through Chief Secretary, Civil Secretariat, Muzaffarabad.
- 21. Secretary, Communication & Works Department, Civil Secretariat, Muzaffarabad.
- 22. Secretary, Physical Planning & Housing, Civil Secretariat, Muzaffarabad.
- 23. Chief Engineer, Public Works Department, Highways North/South, Muzaffarabad.
- 24. Chief Engineer, Public Works Department, North/South, Muzaffarabad.
- 25. Chief Engineer, Public Health, Muzaffarabad.
- 26. Muhammad Abbas, Sub Divisional Officer, Public Health Engineering, Division 2, Mirpur.

- 27. Munir Ahmed, Sub Divisional Officer, Development Authority, Muzaffarabad.
- 28. Muhammad Shafique Abbasi, Sub Divisional Officer, Public Works Department, Public Health Engineer Division, Rawalakot.
- 29. Muhammad Ashfaq Awan, Sub Divisional Officer, Public Works Department, Building Division, Rawalakot.
- 30. Ashraf Shehzad, Sub Divisional Officer, PMU, Mirpur.
- 31. Muhammad Siddiuqe, Sub Divisional Officer, Public Works Department Building Division, Bhimber.
- 32. Ejaz Ahmed, Sub Divisional Officer, Mangla Dam Housing Authority, Mirpur.
- 33. Ejaz Afsar Usmani, Overseer, Public Works Department, Highways Division, District Hattian Bala.
- 34. Imtiaz Ali Sulehria, Overseer, Mangla Upraising Project, Mirpur.
- 35. Suhail Masood, Sub-Engineer, Public Works Department, Highways Division, Rawalakot.
- 36. Arshad Hussain, Overseer, Public Works Department, Maintenance Division, Muzaffarabad.
- 37. Naseem Kiani, Overseer Public Works Department, Highways Division, Bagh.
- 38. Sajid Hussain Qureshi, Overseer, Public Works Department, Maintenance Division, Muzaffarabad.
- 39. Syed Tajamal Hussain Gardeiz, Overseer, Public Works Department Highways Division, Bagh.

- 40. Sardar Shaukat Zaman, Overseer, Public Works Departmetn, Highways Division, Pallandri.
- 41. Amjad Nisar Mir, Overseer, Public Works Department, Public Health Engineering Division, Muzaffarabad.
- 42. Tanveer Hussain, Sub Divisional Officer, Public Works Department, Highways Division, Bhimber.
- 43. Aftab Ahmed Kiani, Sub Divisional Officer, Public Works Department, Highways Division, Muzaffarabad.
- 44. Waqar Ahmed Awan, Overseer, Public Works Department Highways Division, Muzaffarabad.

..... PROFORMA RESPONDENTS

(On appeal from the judgment of the Service Tribunal dated 26.10.2015 in Service Appeals No.988, 1041, 1066, 1102, 1103, 1138 and 1142 of 2011)

FOR THE APPELLANTS: Mr. Abdul Rashid

Abbasi, Advocate.

FOR THE RESPONDENTS: Syed Nazir Hussain

Shah Kazmi, Sardar M. Riaz Khan, Ch. M. Aslam Raza, Jahandad Khan Mughal and Syed Shafqat Hussain

Gardezi, Advocates.

Date of hearing: 16.05.2017

JUDGMENT:

Ch. Muhammad Ibrahim Zia, C.J.— All the titled appeals by leave of the Court being arisen out of the common judgment of the Service Tribunal dated 26.10.2015, are being disposed of through this single judgment.

2. According to the summary of the facts, respondents No.1 to 19 in the titled Civil Appeal No.67/2016, filed seven separate service appeals before the Service Tribunal while challenging the seniority list dated 27.10.2011, notification dated 28.10.2011 and corrigendum dated 31.10.2011. They claim that the Secretariat Communication and Works Department vide order bearing No.146/2011 dated 27.10.2011 issued final seniority list of the sub-Engineers (B-17) holding the diploma, including the names of all the contesting parties except Wagar Ahmed and Khawaja Tariq Iqbal whose names were included in the seniority list bearing No.146/II/2011 which was issued for the sub-Engineers who have obtained the degrees of B.Tech (Hons). The department also issued the notification

dated 28.10.2011 and the corrigendum dated 31.10.2011 through which the Overseers and sub-Divisional Officers were promoted/adjusted in the light of the seniority list dated 27.10.2011. They claim that according to the Azad Jammu and Kashmir Public Works Department Service Rules, 1992 the method of recruitment to the posts of Assistants Engineers is; 65% by initial recruitment, 15% by promotion of sub-Engineers possessing qualification of B.Tech (Hons) and 20% promotion of sub-Engineers having three years diploma of Associate Engineer. As they obtained the degrees of B.Tech (Hons), therefore, their names should have been listed in the seniority list of B.Tech (Hons) bearing No. 146/II/2011 dated 27.10.2011. The learned Service Tribunal vide consolidated judgment 26.01.2015, dated concluded the matter as follows:-

"On the basis of what has been stated above, the appeal No. 988 titled "Rizwan Azad and others versus Azad Govt. and others" and appeal No. 1041 titled "Mushtaq Ahmed Awan versus Azad Govt. and others" are accepted to the extent of common seniority list bearing No.

146/2011 dated 27.10.2011, which hereby set aside with the direction that the seniority list of Diploma Holders and B-Tech (Hons) shall be prepared and issued separately. Appeal No. 1066 titled "Asif Assad ullah and others versus Secretary Works and Communication and others", appeal No. 1102 titled "Taj Hussain and Secretary others versus Works and Communication and others", appeal 1103 titled "Rizwan Azad and others versus Azad Govt. and others" appeal No. 1138 titled "Ishtiag Ahmed versus Secretary Works and Communication and others", and appeal No. 1142 titled "Mirza Mujahid Hussian versus Azad Government others" are filed against the seniority list No.(146)/II/2011 bearing dated 27.10.2011 which is a seniority list of the who have improved employees their qualification educational after availing study leave and only the names of Kh. Tariq Iqbal and Wagar Ahmed are included in the seniority list. We are of the opinion that Asif Assad-ullah did not prove that he has improved his educational qualification as B.Tech(Hons), therefore, to this extent, the appeal is dismissed, whereas the other appellants have improved their educational qualification as B-Tech (Hons). As the names of Abdul-Raheem, Wajid Abbasi, Anwar Abbasi, Ch. Javed Muhammad Sagheer, Altaf Awan and Haseeb Anwar Abbasi are included in the seniority list of Sub-Engineers who have improved their educational qualification as B-Tech (Hons) and Mubarak Ali was in the final semester when this tentative seniority list was issued on 07.11.2007. It also appears from the working paper of Selection Board No.3 that Shoukat Ali had also obtained Tech(Hons) degree in December, 2006. Mirza Mujahid Hussain has also obtained B-

Tech(Hons) degree on 01.10.2008. The department has issued the order 09.05.2008 that in future, no employee shall improve his educational qualification without obtaining study leave and NOC. appellants mentioned above educational qualification improved their before 09.05.2008, therefore, this order does not apply to their extent. They have improved their educational qualification before 09.05.2008 who are entitled to be included the seniority list in Tech(Hons), therefore, by accepting all the appeals and by setting aside the seniority No.(146)/II/2011 bearing 27.10.2011, it is directed that the new seniority list of B-Tech(Hons) should be prepared including the names of appellants mentioned above alongwith Kh. Tarig Igbal and Wagar Ahmed. No order as to costs."

Feeling aggrieved from the impugned judgment of the Service Tribunal, Asif Asadullah, Azad Govt. & others, Waqar Ahmed and Kh. Tariq Iqbal, have filed the titled three appeals.

3. Syed Nazir Hussain Shah Kazmi, Advocate, the learned counsel for the appellant, Asif Asadullah (in Civil Appeal No.66/2016) after narration of necessary facts submitted that the impugned judgment of the learned Service Tribunal appellant is result of the extent of the to facts misconception of and lack of proper

appreciation of the record. In support of his arguments he referred to pages 39 and 40 of the appeal filed before this Court and submitted that the appellant qualified B.Tech (Hons) from Preston University of Pakistan on 15th day of August, 2007, therefore, the observation of the Service Tribunal that the appellant has not qualified B.Tech (Hons) degree, is against law. So far as the policy laid down by the Secretary Works on 19.05.2008 that the degree or course acquired by the civil servant without sanction of study leave will not admissible, is concerned, the appellant acquired the degree much earlier to the issuance of said policy. According to the celebrated principle of law any order or rule affecting the rights of the citizens has to operate prospectively and not retrospectively, therefore, the said policy is not applicable to the case of the appellant. The impugned judgment of the Service Tribunal to the extent of the appellant is against facts and law and is not sustainable, thus, while accepting this appeal the authority should be directed to include the name of the appellant in the seniority list prepared for the sub-Engineers who qualified the B.Tech (Hons) degree.

In the appeals titled Azad Govt. & others 4. vs. Rizwan Azad & others (Civil Appeal No.67/2016) and Wagar Ahmed & others vs. Rizwan Azad & others (Civil Appeal No.68/2016), the learned counsel for the appellants Mr. Muhammad Zubair Raja, Additional Advocate-General and Mr. Abdul Rasheed Abbasi, Advocate, raised identical points in their arguments. Their most stressed point is that none of the appellants before the Service Tribunal, has improved the qualification according to the prescribed manner after obtaining the NOC and sanction of study leave. The Azad Jammu and Kashmir Study Leave Rules, 1991 are applicable and no civil servant is allowed to improve his qualification during service without proper sanction of the study leave. They also referred to the policy/directive issued by the Secretary Works and Communication on 19.05.2008 according to which the degree obtained by a civil servant without sanction of study leave is invalid and cannot be

considered. Admittedly, the contesting civil servants are claiming that they have obtained the B.Tech (Hons) degree during service without any proper sanction of study leave or NOC issued by the appointing authority. The so called NOCs brought on record, have been issued by some incompetent such like Executive Engineer person Superintending Engineer who are neither authority nor vested with the powers to issue such like certificates. The appeals filed by respondents No.1 Service 19 before the Tribunal competent. The Service Tribunal has wrongly handed down the impugned judgment which runs statutory provisions counter to the therefore, the same is not maintainable and liable to be set-aside while accepting this appeal.

5. In the appeal No.66/2016, titled *Asif Asadullah vs. Secretary Works & others,* except Ch. Muhammad Aslam Raza, the counsel for the appellants in other two appeals, are counsel for the respondents. They adopted the same arguments (to be mentioned hereinafter).

6. In the appeals No.67 and 68 of 2016, the learned counsel for respondents No.1 to 19, Syed Nazir Hussain Shah Kazmi, Sardar Muhammad Riaz Khan, Ch. Muhammad Aslam Raza, Jahandad Khan Mughal and Syed Shafqat Hussain Gardezi, Advocates, forcefully defended the impugned judgment of the Service Tribunal and submitted that the respondents including Asif Asadullah, are holding B.Tech (Hons) degree. According to rules, they are entitled for inclusion of their names in the seniority list prepared for the cadre of Engineers holding B.Tech (Hons) degrees. They further argued that according to the expressed provisions of service rules the requirement is B.Tech (Hons) degree with five years experience. matter whether the degrees have obtained after sanction of study leave or not, has no concern with the preparation of the seniority list as the matter of sanctioning of study leave relates to discipline and conduct. All the contesting civil servants were serving in the department. If any of their acts amounts to misconduct the authority at the relevant time should have taken action against them under the relevant law but the civil servants who fulfill the required qualification and vested rights have been accrued to them, cannot be deprived of such right. The Service Tribunal has impugned judgment. passed the rightly arguments of learned counsel for the appellants in both the appeals are presumptive having statutory backing. So far as the reference of circular/policy issued by the Secretary Works and Communication dated 19.05.2008 is concerned, the Secretary Works is not a rule framing authority. Such like policy can only be enforced by the rules framing authority while amending the rules. So far as the sanction of study leave, is concerned, it has no application to the case in hand. The appeals filed by the appellants have no substance and are liable to be dismissed.

7. We have heard the learned counsel for the parties and examined the record made available. In the light of the arguments advanced at bar, the common proposition involved in the titled appeals is

relating to preparation of the seniority lists for sub-Engineers holding three years diploma and those B.E./B.Sc the qualification of possessing Engineering/AMIE in the relevant discipline/B.Tech (Hons). In addition to qualification of B.Tech(Hons) five years experience is also required, whereas, for B.E./B.Sc Engineering/AMIE three years experience is required. For resolution of this proposition, it is appropriate to refer here section 7 of the Azad Jammu and Kashmir Civil Servants Act, 1976 which speaks that the seniority on initial appointment to a service, cadre, grade or post shall be determined in prescribed The the manner. manner determination of the seniority has been prescribed under Rule 8 of the Azad Jammu and Kashmir Civil Servants (Appointment and Conditions of Service) Rules, 1977. Although, these statutory provisions are clear but these have to be interpreted while keeping in view the spirit of the Azad Jammu and Kashmir Public Works Department Service Rules, 1992, which provide the manner for appointment against the post of Assistant Engineers (B-17). The same are reproduced as under:-

Minimum Qualification for Appointment by		Method of Recruitment
Initial Recruitment	Promotion	
6	7	8
Degree in Engineering in the requisite Discipline from a recognized University or an equivalent qualification and except in a case where section 28(b) of the Pakistan Engineering Council Act, 1976 (v of 1976) applies registration as a professional Engineer with the Pakistan Engineering Council		a) 65% by initial recruitment as per col.6. b) 15% by promotion on seniority cum-fitness basis from amongst Sub Engineers possessing qualification of B.E/B.Sc Engineering /AMIE in the relevant discipline /B.Tech (Honours). Provided that those with B.E/B.Sc. Engineering /AMIE degree shall have three years experience while those who possess B.Tech (Honours)degree will have 5 years experience as such. If none is available for promotion then by initial recruitment. c) 20% by promotion on the basis of seniority cum-fitness from amongst Sub-Engineers of the requisite Discipline who hold the minimum qualifications prescribed for initial recruitment as Sub-Engineer in the Department and have been placed in BPS-16 after passing the Sub-Engineers professional Examination.

According to these rules there are two cadres of sub-Engineers; (i) holders of diploma for whom 20% quota is reserved; and (ii) holders of qualification of B.E./B.Sc Engineering/AMIE in the relevant discipline/B.Tech (Honours) for whom 15% quota is reserved. The juxtapose appreciation of Civil 1976, Civil Servants Act, Servants (Appointment and Condition of Service) Rules, 1977 and Public Works Department Service Rules, 1992 makes it clear that the preparation of separate seniority lists of sub-Engineers holding the diploma qualification those having of B.E./B.Sc and Engineering/AMIE in the relevant discipline/B.Tech (Hons), is required.

The other important proposition which is 8. controversy among the the parties of qualification of B.E./B.Sc improvement Engineering/AMIE in the relevant discipline/B.Tech (Hons) during service. Admittedly, respondents No.1 to 19 and the appellant Asif Asadullah, are holders of B.Tech (Hons) degrees. The learned counsel for the appellants in appeals No.67 and 68 have raised main objection that the claimants obtained the degrees during service without obtaining NOC or sanction of study leave by the competent authority, hence, they cannot claim for entry of their names in the seniority list of sub-Engineers holding the qualification of B.E./B.Sc Engineering/AMIE in the relevant discipline/B.Tech (Honours). However, they failed to substantiate this argument with reference to any statutory provision. According to hereinabove reproduced rules, for promotion against 15% quota the requirement is degree of B.Tech (Hons) plus five years experience. Once it is established that the claimant is holder of required degree from the recognized University or

institution, the requirement of the rule is fulfilled. The question that how the degree has been obtained, has no nexus with the rules dealing with the seniority or quota. If at all, it has any substance then it falls within the domain of the rules dealing with the conduct and disciplinary matters. In case, after conducting the proceeding in the prescribed manner according to the spirit of law, it is proved and established that at the relevant time the respondent-civil servants who claim right on the basis of degrees, have committed any misconduct or violated any law, the penalty provided under law can be imposed. Moreover, the conduct of civil servants who were in a position of superintendence and control is also to be considered but on this pretext the civil servants who otherwise fulfill the statutory requirements, cannot be deprived of the rights accrued to them. In this background, the impugned judgment of the Service Tribunal passed in favour of respondents No.1 to 19 is quite legal one calling for no interference. Therefore, the appeals titled Azad Govt. & others vs. Rizwan Azad & others (67/2016) and Waqar Ahmed and another vs. Rizwan Azad & others (68/2016) have no substance. The same stand dismissed with no order as to costs.

So far as the appeal titled Asif Asadullah 9. vs. Secretary Works and others, is concerned, in view of the hereinabove stated position he has obtained the degree of Bachelor of Technology (Hons) from Preston University of Pakistan on 15th day of August, 2007. The Service Tribunal has fell in error of fact while observing that he has not obtained the degree before 19.05.2008. According to the produced degree he has passed the same on 15.08.2007, thus, it is legally required that he should be treated like other civil servants. Therefore, the impugned judgment of the Service Tribunal to his extent is recalled and it is declared that his name shall also be entered in the seniority list alongwith the respondents No.1 to 19 as directed by the Service Tribunal.

In view of the above, the appeal titled *Asif*Asadullah vs. Secretary Works and others (Civil

Appeal No. 66/2016) stands accepted, whereas, the appeals titled *Azad Govt. & others vs. Rizwan Azad & others* (Civil Appeal No. 67/2016) and *Waqar Ahmed and another vs. Rizwan Azad & others* (68/2016) stand dismissed. No order as to costs.

CHIEF JUSTICE

JUDGE (J-II)

Muzaffarabad, 30.05.2017 Announcement Date 02-06-2017