

SUPREME COURT OF AZAD JAMMU AND KASHMIR

[Appellate Jurisdiction]

PRESENT:

Ghulam Mustafa Mughal, J.

Civil PLA No.173 of 2020

Civil Misc. No.74 of 2020

(Filed on 06.08.2020)

Mehmood ul Hassan

....PETITIONER

VERSUS

AJK Govt. & others

.... RESPONDENTS

(On appeal from the judgment of the High Court dated
29.01.2020 in writ petition No.199 of 2018)

FOR THE PETITIONER: Sh. Masood Iqbal, Advocate.

FOR THE RESPONDENTS: nemo.

Date of hearing: 26.11.2020

ORDER:

Ghulam Mustafa Mughal, J.— The captioned petition for leave to appeal has been directed against the judgment dated 29.01.2020, passed by the Azad Jammu & Kashmir High Court in writ petition No.199 of 2018.

2. The facts forming the background of the captioned petition for leave to appeal shortly stated are that the contractual appointment of the petitioner, herein, was terminated vide order dated 11.06.2018 w.e.f. 30.06.2018. Subsequently, another order was issued on 12.06.2018, wherein, it was stated that the termination of the petitioner, herein, will take effect from 12.06.2018. The petitioner, herein, challenged the legality and correctness of both the aforesaid orders through writ petition before the Azad Jammu & Kashmir High Court on 29.06.2018. The writ petition was contested by the other side by filing written statement, whereby, the claim of the petitioner was refuted. The learned High Court after necessary proceedings through the impugned judgment dated 29.01.2020, has dismissed the writ petition.

3. Sh. Masood Iqbal, the learned Advocate appearing for the petitioner argued that the contract of the petitioner, herein, has been terminated by an

incompetent authority i.e. Managing Director, Power Development Organization (PDO), whereas, in his case the authority was PDO Board. The learned Advocate submitted that this crucial point has not been attended by the learned High Court and even the earlier direction issued by this Court has also been ignored while dismissing the writ petition filed by the petitioner, herein, through the impugned judgment.

4. After hearing the learned counsel for the petitioner and going through the record appended with the petition, I am of the view that the question raised in this petition is of public importance which requires resolution in a regular appeal. Leave to appeal is, therefore, granted. The petitioner is directed to deposited security of Rs.1000/- within one month failing which the leave granting order shall automatically be deemed to have been rescinded. The office is directed to complete the file and place the

same before the Hon'ble Chief Justice for constitution
of the Bench.

JUDGE

Mirpur.
26.11.2020.