

**SUPREME COURT OF AZAD JAMMU AND KASHMIR**

[Appellate Jurisdiction]

**PRESENT:**

*Raja Saeed Akram Khan, C.J.*

*Raza Ali Khan, J.*

Civil PLA No. 69 of 2021.

(Filed on 14.6.2021)

Asia Hanif d/o Muhammad Hanif, s/o Naria,  
Tehsil Tararkhal, District Sudhnuti/Pallandri,  
Azad Kashmir.

.... PETITIONER

**VERSUS**

1. Divisional Director Schools (Female) Poonch  
Division Rawalakot, Azad Kashmir.
2. District Education Officer (Female), Poonch  
Division Rawalakot, Azad Kashmir.
3. Principal, Girls Higher Secondary School  
Gala Chowkian, Sudhnuti, Azad Kashmir.
4. District Accounts Officer Poonch  
Rawalakot, Azad Kashmir.
5. Khadija Bibi, Junior Arabic Teacher, Govt.  
Girls Higher Secondary School Gala  
Chowkian, Sudhnuti, Azad Kashmir.

..... RESPONDENTS

(On appeal from the judgment of Azad Jammu &  
Kashmir Service Tribunal dated 5.1.2019 in  
Service Appeal No. 292 of 2018)

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FOR THE PETITIONER: Sardar Abdul  
Hamid Khan,  
Advocate.

FOR THE RESPONDENTS: Ch. Shoukat Aziz,  
Advocate.

*Date of hearing:* 17.6.2021.

**ORDER:**

**Raza Ali Khan, J.**— The caption petition for leave to appeal has been directed against the judgment dated 5.1.2019, passed by the Azad Jammu & Kashmir Service Tribunal in service appeal No. 292 of 2018.

2. The brief facts forming the background of the captioned petition for leave to appeal are that the private respondent, herein, challenged the validity and correctness of order dated 16.4.2018 passed by the Director Elementary and Secondary Education (Female), Poonch Division Rawalakot, whereby while cancelling the appointment order of the private respondent, herein, the appointment of the petitioner, herein, has been made. The ground taken by the private

respondent-appellant in the appeal before the Service Tribunal was that the judgment of the learned High Court dated 12.4.2018, which was made base for cancellation of the order of the appellant (private respondent herein) was challenged before this Court and this Court had suspended the operation of the said judgment of the High Court, therefore, the cancellation order dated 16.4.2018, is liable to be dismissed. The learned Service Tribunal admitted the appeal for regular hearing and suspended the order dated 16.4.2018, subject to objections from the other side. The respondents were summoned to file objections/written statement. On 13.9.2018 Asia Hanif, petitioner, herein, was proceeded ex-parte. Respondent No.1 filed objections on 17.5.2018, which were treated as objections on behalf of the official respondents and the case was fixed for hearing on 4.1.2018. During the pendency of the appeal, the learned Advocate for the appellant, therein, while submitting a copy of the judgment of this Court before the Service

Tribunal stated that the judgment passed by the High Court on 12.4.2018 has been set aside. The learned Service Tribunal vide impugned judgment dated 5.1.2019 while accepting the appeal has set aside the order dated 16.4.2018.

3. Arguments heard. It may be stated that the controversy involved in the case in hand is the same and the parties are also same as is involved in the case *titled Asia Hanif vs. Khadija Bibi* (Civil Review No.9 of 2021), therefore, the fate of this case is attached with the one referred above. In the referred case, the review petition has been dismissed, therefore, this petition for leave to appeal is also dismissed and consigned to record.

JUDGE

CHIEF JUSTICE

Mirpur.  
24.6.2021

3.           Sardar Abdul Hamid Khan, the learned Advocate appearing for the petitioner argued the impugned judgment of the Service Tribunal is against law, facts and the record. He argued that private respondent, herein, filed an appeal before the Service Tribunal on 2.5.2018 for cancellation of order dated 16.4.2018 issued in light of the direction of the judgment of the High Court dated 12.4.2018 and also filed a petition for leave to appeal. He further argued that the learned Service Tribunal failed to consider the point that matter cannot be resolved till the final decision of this august Court.

4.

