M. Tabassum Aftab Alvi VS Raja Waseem Younas & others

PRESENT:
Petitioner in person.
Mr. Bashir Ahmed Mughal, Advocate for proforma respondents.
Kh. Muhammad Maqbool War, Advocate General on Court's call.

ORDER:

Despite notice, no one appeared on behalf of respondent No.1, hence, ex-parte proceedings are ordered against him.

After hearing the arguments and perusing the record we are of the unanimous view that appointment in the office of Chief Justice of the High Court is not promotion rather it is an independent appointment as its mode of appointment including consultative process, advice, oath etc. is different. This Court while handing down the judgment under review has overlooked this point, therefore, we partially accept this review petition and hold that the petitioner's appointment as Chief Justice of the High Court was valid. Consequently, he is entitled to pensionary benefits and perks and privileges admissible to a retired Chief Justice of the High Court from the date of his retirement. The details shall follow.

CHIEF JUSTICE JUDGE JUDGE JUDGE

Muzaffarabad,
09.02.2022