

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI
C.P. No. D-3138 of 2015
C.P. No. D-3139 of 2015

Date Order with signature of Judge

Present:
Muhammad Ali Mazhar, J
Abdul Maalik Gaddi, J

C.P. No. D-3138/2015

Nazeer Hussain Lakho Petitioner

Versus

N.I.R.C and others Respondents

C.P. No. D-3139/2015

Ghulam Sarwar Mangrio Petitioner

Versus

N.I.R.C and others Respondents

21.10.2016

None present for the Petitioner
Mr. Khalid Mehmood Siddiqui, Advocate for Respondent
No. 2

Muhammad Ali Mazhar, J. Brief facts of the case are that the Petitioner Nazeer Hussain Lakho filed a Case No. 4A(81)/2014-K in the National Industrial Relations Commission for restraining the Respondent No. 2 from committing any act of Unfair Labour Practice and dismissing, terminating or transferring his services. Another petitioner Ghulam Sarwar Mangrio, under similar circumstances, filed a Case No. 4A(82)/2014-K before NIRC for the identical relief. The Respondent No. 2 filed preliminary objections in both the cases on the issue of maintainability before NIRC, but vide order dated 19.11.2014 their applications were dismissed and the

cases before NIRC were found to be maintainable within their jurisdiction.

2. Being dissatisfied with this order, Respondent No. 2 filed Appeal No.12(16)/2014-K and Appeal No. 12(17)/2014-K against both the impugned orders, which were fixed before Full Bench NIRC on 18.05.2015. After preliminary hearing, the learned full bench of NIRC admitted the appeals for hearing and notices were issued to the Respondents.

3. Both the petitioners have challenged the admission orders passed by the full bench with the prayer that impugned orders may be set-aside with reconstitution of full bench. Today, Mr. Khalid Mehmood Siddiqui, learned Counsel for Respondent No.2, produced a copy of order dated 21.09.2016, passed by learned full bench of NIRC, and argued that the petitioners in these petitions have approached this Court for reconstitution of the bench and it is clearly manifesting from the order of full bench that three Members of NIRC, who admitted the appeals, have not heard the appeals of the Respondent No. 2 but in their place three other learned members have heard the appeals and set-aside the impugned orders passed in grievance petitions and found that the grievance petitions are not maintainable before the NIRC. They further directed to return the petitions to the petitioners for filing before appropriate forum.

4. It is clear from the memo of petition that both the petitioners have assailed the admission note of full bench, which has been finally decided by three other members of the NIRC; so in our view, plea of reconstitution has already served the purpose and the grievances of the petitioners have been redressed in this regard. No other ground is visible from the petition for

challenging the admission note. Of course, filing of appeal is a right conferred by law, which was exercised by Respondent No.2. At this juncture, Mr.Khalid Mehmood Siddiqui, learned advocate for Respondent No. 2 stated at bar that the full bench order has also been challenged by the petitioners in Islamabad High Court through writ petitions, which are pending and interim orders are also operating against the Civil Aviation Authority. So far as the present petitions are concerned, which were filed on a limited ground the same have already served the purpose, therefore, both petitions alongwith listed application(s) are disposed of accordingly.

Judge

Judge