

Order sheet

IN THE HIGH COURT OF SINDH AT KARACHI

Before:
Mr. Adnan-ul-Karim Memon
Mr. Adnan Iqbal Chaudhry

Const. Petition No.4483 of 2020

M/s. Pakistan International Airlines Corporation Limited & 2 others

Versus

Federation of Pakistan and 03 others

Date of hearing
& order: 21.10.2020

Mr. G.N. Qureshi, advocate for the petitioners.

Adnan-ul-Karim Memon, J. Through this petition, the petitioners had prayed that the implementation order dated 16.9.2020 passed by learned Single Member Bench NIRC may be set aside on the premise that the Full Bench of the NIRC was not available to hear the petitioners' appeal. The grievance petition filed by the respondent No.4 was allowed vide order dated 23.06.2020 and her dismissal from service was set aside with a direction to the petitioner No.1 to reinstate her with back benefits. As the above order was not complied with by the petitioner No.1, respondent No.4 filed a complaint on which bailable warrants were issued by the learned Single Member Bench NIRC against petitioners No.2 and 3. Since petitioners No.2 and 3 did not appear on the relevant date in spite of issuance of bailable warrants, impugned non-bailable warrants were issued against them by learned Single Member Bench NIRC vide order dated 16.9.2020. Thereafter the appeal of the petitioners was taken up by the Full Bench of the NIRC on 02.10.2020 when an interim order was passed suspending the order of the Single Bench to the extent of back benefits. Since the order of reinstatement was not suspended by the Full Bench, the petitioners complied with the same and reinstated Respondent No.4 by letter dated 12.10.2020 and gave her joining on 14.10.2020. Presently, the only grievance of the petitioners is that despite compliance of the order of reinstatement, the Single Bench of NIRC has, by order dated 19.10.2020, called Petitioner No.2 to appear in person to explain non-compliance.

Apparently, the joining letter dated 14.10.2020 was not before the Single Bench, NIRC; hence the order dated 19.10.2020 calling the petitioner No.2 to appear in person.

We do not see why the petitioners have approached this Court instead of placing the joining letter before the Single Bench, NIRC in the satisfaction of its order dated 19.10.2020. If the petitioners apprehend any other coercive process, they have a remedy before the Full Bench of the NIRC where their appeal is pending. Therefore, this petition is dismissed along with pending applications.

JUDGE

JUDGE

SHAHZAD