

Date	Order with Signature of Judges
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Fresh Case :

1. For order on Misc No.3394 of 2020 (Urgency) :
2. For order on office objection no.18 & 27 :
3. For order on Misc No.3395 of 2020 (Exemption) :
4. For order on Misc No.3396 of 2020 (Stay) :
5. For hearing of main case :

**03.02.2020 :**

Mr. Farhan-ul-Hassan Minhas, advocates for the petitioner.

1. Urgency granted.
2. Deferred for the time being.
3. Exemption is granted subject to all just exceptions.

4 & 5. By means of this petition, the petitioner has called in question order dated 25.9.2018 passed by the Single Member NIRC in Case No.4B(39)/2017-K, as well as the order dated 01.10.2019 passed by the Full Bench of NIRC at Karachi whereby their Appeal No.12A (53) / 2018-K against the above order was also dismissed. It is contended, *inter alia*, by learned counsel that the petitioner-company, which is a trans-provincial establishment, hired the services of the private respondent as Junior Technical Officer in the year 1999, however, his services were terminated in the year 2016 ; respondent No.1 being aggrieved by his termination order preferred Grievance Notice dated 04.10.2016 which was time barred, however, the Grievance Application filed by him under Section 34 of Industrial Relations Act, 2013, was allowed by the Single Bench of NIRC vide order dated 25.9.2018 ; the petitioner-company assailed the order dated 25.9.2018 before the Full Bench of NIRC in Appeal which was dismissed without dilating upon the issue of permanent employment and contractual service and also without considering the question of limitation. We asked learned counsel to satisfy this Court with regard to maintainability of this petition on the ground that the private respondent was a permanent employee and had been performing his duties with full devotion and his service was terminated in the year 2016 without assigning any reason. He replied that private respondent was not a permanent employee of the petitioner-company, but was a contract employee, therefore, the impugned decisions rendered by learned Single Bench and Full Bench of NIRC are erroneous and against the law ; grievance notice of the private respondent was time barred, therefore, no further proceedings should have been continued by both the Courts below ; and, private

respondent has admitted in his pleadings that he was contract employee. In support of his contention, he relied upon 2019 PLC 83.

Be that as it may, let, in the first instance, notice be issued to the respondents as well as to learned DAG for a date to be fixed by office in the 2<sup>nd</sup> week of March, 2020.