

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No.D-1291 of 2017

Before: Muhammad Shafi Siddiqui, J
Adnan Iqbal Chaudhry, J

Habib-ur-Rahman

Versus

N.I.R.C & others

Date	Order with signature of Judge
------	-------------------------------

1. For orders on MA No.6730/17
2. For hearing of main case

Date of Hearing: 29.10.2019

Petitioner: Through Mr. Muhammad Lateef Sagar Advocate

ORDER

Muhammad Shafi Siddiqui, J.-This petition is filed against the concurrent findings of two Courts below.

1. The grievance petition of the petitioner under section 33 of the Industrial Relation Act, 2012 was dismissed being time barred by the NIRC in Petition No.4B(153)/2014-K.

2. The petitioner challenged his removal on 04.11.2011 by filing a grievance petition along with an application for condonation of delay. In the affidavit in support of application for condonation of delay, the petitioner admitted that there was delay of two months and 15 days. Insofar as the grievance notice was concerned that was served on 29.11.2011 whereas the petition under section 33 of the Industrial Relation Act, 2012 was filed on 14.5.2012. The grievance petition was dismissed on the ground of limitation as no plausible explanation was

provided in the affidavit in support of application for condonation of delay.

3. The order was maintained by the Full Bench of NIRC in Appeal No.12(110)/2016-K as he has failed to make compliance of the requirement of section 33 of the IRA, 2012.

4. We have heard the learned Counsel and perused the material available on record.

5. Without considering the reasons in this petition, we have straightaway enquired from the Counsel as to what reason was provided in support of the application for condonation of delay, he relied upon the affidavit in support of the application available at page-99. In para-2, para-12 of the memo of petition was adopted in support of the application for condonation of delay. He claimed to have fallen sick due to sudden shock of his removal from service and claimed to have remained in constant supervision of a doctor with effect from 02.2.2012 to 30.4.2012. In support of such contention he attached two certificates of doctors available on record. First certificate is of 29.4.2012 and the other is of 01.5.2012. Both these certificates only demonstrate that the petitioner remained under treatment of a doctor and not that he was bedridden or unable to engage in daily activities. The two forums i.e. learned single Member of the NIRC and the learned Full Bench of the NIRC have gone through such explanation and were not convinced with the explanation provided in application for condonation of delay. We are not exercising powers of the authority nor sitting on appeal to replace such findings. It is only the legal question and the violation of the constitutional rights for which a window might be available for redressal of the grievances but not of the nature as highlighted by the petitioner's Counsel. This case has already taken to its logical end whereby the grievance petition was held to be barred by time and no second view could be formed on the basis of material available on record. No

interference as such is required, hence the petition was dismissed by a short order dated 29.10.2019.

6. Above are the reasons for the same.

Judge

Dated:

Judge