

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No. D-2556 of 2021

Order with signature of Judge

1. For order on Misc. No.11075/2021.
2. For order on Misc. No.11076/2021.
3. For order on Misc. No.11077/2021.
4. For hearing of main case.

12.04.2021

Mr. Qaim Ali Memon, advocate for the petitioner.

1. Urgency granted.
 2. Exemption application is granted subject to all just exceptions.
- 3&4. Petitioner is seeking suspension of inquiry proceedings initiated against him by the respondent-Tri Pack Films on the premise that the learned Single Bench of National Industrial Relations Commission (NIRC-SB) vide order dated 01.4.2021 disposed of his Grievance Application No.4A(18)/2021-K with direction to the respondent- Tri-Pack Films to adopt legal procedure and complete all legal requirements before passing the final order. The petitioner being aggrieved by and dissatisfied with the aforesaid order preferred statutory appeal No. 12(831)/2021-K under Section 58 of Industrial Relations Act, 2012, before the Full Bench of NIRC, which is pending adjudication. It is inter alia contended by the learned counsel for the petitioner that the petitioner has grave apprehension to be terminated from service by the respondent- Tri-Pack Films in absence of the Full Bench of NIRC Karachi. Per learned counsel, since the full Bench of NIRC having jurisdiction to adjudicate the matter of the Petitioner is not available at Karachi therefore till then the operation of the Impugned inquiry proceedings may be suspended. It is further contended by the learned counsel for the Petitioner that in the similar circumstances, in Constitution Petition No. 1863/2016, this Court, due to non-availability of the Full Bench of NIRC, was pleased to entertain the Constitutional Petition and vide order dated 05.04.2016 directed the parties to maintain status-quo. It is further contended that this Court is competent to adjudicate the matter in absence of an appellate forum. He further states that as and when the Full Bench of NIRC is available, he will certainly

approach the appellate forum for the decision on his appeal. Be that as it may, let notice be issued to the respondents as well as to learned DAG for **06.05.2021**. The respondents shall continue with the disciplinary proceedings, strictly under the law and culminate the same into its logical conclusion within a reasonable time after providing meaningful hearing to the petitioner. However, it is made clear that the final decision arising out of the disciplinary proceedings shall be subject to the outcome of the decision of the Full Bench of NIRC in his appeal.

JUDGE

JUDGE

Nadir*