

IN THE HIGH COURT OF SINDH AT KARACHI

Present:
Muhammad Junaid Ghaffar, J.
Agha Faisal, J.

C P D 4907 of 2022 : Muhammad Ismail Khan vs.
K. Electric Limited & Others

For the Petitioner : Mr. Muhammad Ibrahim Sahito, Advocate

Date/s of hearing : 26.08.2022

Date of announcement : 26.08.2022

ORDER

Agha Faisal, J. (1) Granted. (2) Granted; subject to all just exceptions. (3). The petitioner has assailed concurrent findings of the learned Member NIRC dated 06.12.2021 and learned Full Bench NIRC dated 22.02.2022 (“Impugned Orders”) respectively, whereby the grievance petition of the petitioner was dismissed, and the dismissal maintained, on account of the petitioner having been determined to not fall within the definition of workman.

The petitioner was concurrently adjudged to have been an officer in the management cadre and it was recorded that the petitioner never rebutted the said factum / assertion. Even in the record placed before us, including appointment letter dated 08.04.2009, job description, salary package letter dated 10.04.2009 and pay slip, the petitioner had been consistently designated as an officer. The petitioner had remained unable to rebut the preponderance of record / evidence relied upon by the NIRC, before the respective fora, and furthermore the petitioner’s counsel remained unable to articulate before us today as to why the impugned findings of the NIRC could not be rested on the record relied upon.

In view hereof, we are constrained to observe that no case has been set forth to entertain this matter in the writ jurisdiction of this Court, hence, this petition is hereby dismissed in *limine*.

JUDGE

JUDGE