

IN THE HIGH COURT OF SINDH AT KARACHI

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

C P D 7209 of 2022 : Pakistan International Airlines Corporation
vs. Full Bench NIRC & Others

C P D 7210 of 2022 : Pakistan International Airlines Corporation
vs. Full Bench NIRC & Others

C P D 7211 of 2022 : Pakistan International Airlines Corporation
vs. Full Bench NIRC & Others

For the Petitioner : Mr. Abuzar Zardari, Advocate
Mr. Salman Ahmed Kazi, Advocate

Date/s of hearing : 30.11.2022

Date of announcement : 30.11.2022

ORDER

Agha Faisal, J. These petitions assail respective interlocutory orders of the learned Single Member NIRC, whereby interim orders passed earlier were confirmed. Per learned counsel, appeals have been filed before the learned Full Bench NIRC, however, the same could not be entertained since the forum remains non-functional. In such context these petitions seek to have the interlocutory orders of the learned Single Member NIRC set aside by this Court, in the exercise of writ jurisdiction.

2. At the very onset, petitioner's counsel was confronted with respect to maintainability, *inter alia*, as there appeared to be no provision in section 58 of the IRA 2012 to assail interim / interlocutory orders before the Full Bench NIRC; in the presence of a statutory dispute resolution hierarchy recourse to writ jurisdiction appeared unmerited; and without prejudice to the foregoing, if the petitioner was not aggrieved by the respective interim orders at the time that they were rendered or thereafter then how could mere confirmation of such orders accrue any cause or grievance.

3. Petitioner's counsel admitted that there was no provision for assailing interim orders in the IRA 2012 and furthermore failed to provide any cogent response to questions of maintainability raised by the Court.

4. The learned counsel has been unable to articulate any reason for the petitioner being aggrieved by mere confirmation of interim orders when he admittedly did not agitate any grievance with respect to the multiple orders at the time that they were rendered. More importantly, on the legal plane the counsel was unable to set forth any case for the impugned interlocutory orders even being assailable before the Full Bench NIRC, hence, the issue of its non-functionality becomes of no consequence. Finally, it is settled law that in the presence of a statutory dispute resolution hierarchy recourse to writ jurisdiction is unwarranted.

5. In view hereof, these petitions are found to be *prima facie* misconceived, hence, hereby dismissed along with pending applications.

JUDGE

JUDGE