

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C. P. NO. D-3986 / 2020

Date

Order with signature of Judge

For orders as to maintainability of Petition.

22.12.2022.

Mr. Arshad Masood, Advocate for Petitioner.
Mr. Faisal Mehmood Ghani, Advocate for Respondent.

Petitioner's Counsel has been confronted with order dated
12.12.2022 which reads as under:-

"None present on behalf of the Petitioner nor any intimation received. Whereas, record reflects that this petition has been filed against the remand order of the Full Bench of NIRC. Counsel for the Petitioner is directed to come prepared and satisfy as to maintainability of this Petition on the next date.

To come up on **22.12.2022.**"

Despite repeated chances he has not been able to assist us in any manner. We have perused the record and it appears that in this Petition the Petitioner has impugned order dated 22.07.2020 passed by Full Bench of NIRC in Appeal No.12(307)/2015-K, whereby, the matter has been remanded to the Single Member NIRC as apparently during the intervening period the Sindh Labour Court before whom the Grievance Petition was filed had; no jurisdiction; hence, was coram-non-judice. We do not see any reason to interfere with the impugned order which has been passed in accordance with law and the dicta laid down by Hon'ble Supreme Court from time to time including the case reported as *Muhammad Shabbir v Quaid-e-Azam University (2022 SCMR 487)*. The matter has been simply remanded to Single Bench of NIRC, causing no prejudice to the petitioner on merits, whereas, the use of the words "dismissed" while disposing of the appeal, in the given facts and circumstances is merely academic in nature, as ultimately the matter has to be decided by NIRC; hence, the Petition being misconceived is hereby dismissed.

J U D G E

J U D G E

Arshad/