

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

C.P. No.D-11 of 2012

DATE	ORDER WITH SIGNATURE OF JUDGE
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For hearing of main case

05.09.2023

Mr. Muhammad Zakaria Baloch advocate for petitioner.
Mr. Muhammad Arshad S. Pathan, advocate for HESCO.
Mr. Ghulam Abbas Sangi, Assistant Attorney General.

Perhaps to circumvent the orders as and when passed with regard to the petitioner, this petition was filed. The petitioner was earlier claimed to have been reinstated by order of the Presiding Officer, Labour Court No.VI Hyderabad on 30.04.1980. After the order of the reinstatement the National Industrial Relations Commission Islamabad on 30.08.1997 passed an order setting aside the order of the Single Bench of the Commission dated 15.06.1995 whereby the petitioner was terminated on certain charges afresh after orders of 30.04.1980. The order dated 30.08.1997 then attained finality which was never challenged before any forum whatsoever.

It is claimed that on the basis of same charges he was acquitted from the FIA Court which was not taken into consideration when the order was set aside by the NIRC on 30.08.1997.

This could hardly be a ground as prosecution may have defaulted in proceeding with the case but that has nothing to do with the administrative decision of an entity. Moreover, the order of the Commission (NIRC) has attained finality and it cannot be bypassed after 26 years on the strength of earlier order of 1980 whereby the petitioner was reinstated could be called for its implementation as subsequent orders would prevail. The order of the termination / dismissal of the petitioner has attained finality in view of the order of the Commission dated 30.08.1997. Apart from the merits this petition also suffers from laches which is accordingly dismissed.

JUDGE

JUDGE