

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**  
**Constitution Petition No. D-132 of 2023**

*(Mujeeb-ur-Rehman Bhayo Vs. Federation of Sindh & others)*

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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**Before;**

*Adnan-ul-Karim Memon, J;*  
*Muhammad Abdur Rahman, J;*

**Date of hearing and order: 21-05-2024.**

Mr. Abdul Sattar Mahesar, advocate for the petitioner.  
 Mr. Ghulam Abbas Akhtar, advocate for respondents No. 5 to 14.  
 Mr. Nauman Ali advocate for SEPCO.

Mr. Dareshani Ali Hyder "Ada" Deputy Attorney General, Pakistan.

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**ORDER.**

**Adnan-ul-Karim Memon J:-** Petitioner Mujeeb Ur Rehman is asking for the writ of certiorari under Article 199(1)(a)(i) of the constitution of the Islamic Republic of Pakistan, 1973 against the decision dated 10-01-2023 passed by learned single Member Bench of National Industrial Relation Commission. The petitioner also seeks direction to respondent No. 5 Chief Executive Officer Sukkur Electric Power Company (SEPCO) for decision on his representation against his termination from service as Line Superintendent-II (BPS-11). He also seeks reinstatement in service in terms of prayer clause A to E.

2. We have noticed that the petitioner has not preferred Appeal against the decision dated 10-01-2023 passed by the learned Single Bench of NIRC and has directly approached this Court on 26-01-2023, inter-alia on the ground that his father retired from service of the Respondent SEPCO on 26.01.2006 as LS-II; that his father submitted application to the

Management of Respondent Establishment on 21.03.2006 that his son (the Petitioner) may be appointed under employees quota. Simultaneously the Petitioner submitted applications / complaints before Wafaqi Mohtasib on 30.03.2007, 12.04.2007 and 12.06.2007, Wafaqi Mohtasib vide order dated 31.07.2008 closed these applications on undertaking of the Respondent that they would resolve the grievance of the Petitioner as early as possible. However, the Petitioner was not appointed under son quota as depicted in the policy of SEPCO, therefore, he approached this Court by filing Constitutional Petition No.D-758/2011 for implementation of order of Wafaqi Mohtasib. This Court vide order dated 13.11.2013 directed the Respondents to comply with the order dated 31.07.2008 passed by Wafaqi Mohtasib in letter and spirit. Consequently, the Petitioner was appointed on 13.02.2014 as LS-II on daily wages basis for 89 days. His period of Daily Wages was extended from time to time till 14.08.2016. Last extension was granted vide order dated 06.10.2016 w.e.f 15.08.2016 to 11.11.2016. However, this extension order was cancelled vide order dated 28.10.2016 without assigning reasons as he applied on son quota and not on daily wages.

3. At this stage we asked the learned counsel whether petitioner challenged the order of cancellation of extension in daily wage period before any forum, he replied that the Petitioner filed a contempt application in CP No.D-758/2011 for compliance of order dated 13.11.2013 whereby the Respondents were directed to implement the order of Wafaqi Mohtasib regarding appointment of Petitioner against son quota and this court dismissed the contempt application vide order dated 26.11.2020 on the ground that order of this Court dated 13.11.2013 had already been implemented. He added that the Petitioner also approached the NIRC on 06.04.2022 after dismissal of his contempt application by this Court. The

Petitioner stated that he had filed Review Petition before this Court which was also dismissed in August, 2021, even then the Petitioner failed to approach the Full Bench of NIRC within limitation period after dismissal of his Review petition by this Court. It appears from the record petitioner prayed for appointment as LS-II against 20% employees quota, however, he has not challenged termination order; therefore, this Court is left with no option but to observe that the instant petition is not maintainable, under Article 199 of the Constitution against the order passed by the single Bench of NIRC as the petitioner has remedy to challenge the order of single Bench of NIRC before Full Bench of NIRC under the law, let the petitioner avail his remedy first, in the intervening period, if any representation of the petitioner is pending before the respondent-SEPCO, same shall be decided within two weeks positively after providing hearing to the petitioner.

4. This petition is disposed of accordingly.

**Judge**

**Judge**

Nasim/P.A