

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Constitutional Petition No. D-5101 of 2026
(M/s Sui Southern Gas Company Ltd. versus Muhammad Ikram and others)

Date	Order with signature of Judge
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Before:-
Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Muhammad Jaffer Raza

Date of hearing: 27.08.2026

Mr. Mukesh Kumar G. Karara, advocate for the petitioner

ORDER

Adnan-ul-Karim Memon, J. Petitioner has filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, with the following prayer: -

- i. *The Respondent No. 3 (Registrar/Full Bench, NIRC) may be directed to reconstitute an appropriate Bench (excluding Respondent No. 2) and hear and decide the Petitioner's Appeal No. 12A(03)/2026-K along with the pending stay application in accordance with due process of law as provided under Article 10/A of the Constitution of Pakistan, 1973.*
- ii. *Suspend the operation of the Impugned Order dated 16.02.2026 and the contempt proceeding No. 7 (31) 2026-K pending before the learned Single Member NIRC Karachi till the constitution of Full Members Bench and final decision of the pending Appeal No. 12A(03)/2026-K before NIRC.*

2. Respondent No.1 was employed by the Petitioner Company and, during verification of his educational credentials, it was discovered that he had furnished allegedly fake/unauthenticated Intermediate and B.Sc. qualifications in his employment record and personal information forms. Despite being directed to produce duly authenticated certificates, he failed to do so and instead denied having claimed such qualifications. The Petitioner Company thereafter issued a Show Cause Notice and, upon finding the reply unsatisfactory, served a Charge Sheet and conducted a departmental inquiry in accordance with due process and principles of natural justice. The Inquiry Officer found Respondent No.1 guilty of gross misconduct, whereafter he was dismissed from service vide order dated 14.10.2024. Respondent No.1 challenged his dismissal by filing Grievance Petition No. 48(148)/2024-K before the NIRC. The learned Single Member, vide impugned order dated 16.02.2026, allowed the grievance petition, set aside the dismissal order and directed his reinstatement with back benefits. Aggrieved by the said order, the Petitioner preferred statutory Appeal No. 12A(03)/2026-K under Section 58(2)(b) of the Industrial Relations Act, 2012, along with an application for stay, before the Full Bench of NIRC. The appeal was fixed for hearing on 16.07.2026; however, it could not proceed due to non-availability of the requisite members of the Full Bench. It was also pointed out that the learned

Single Member who had passed the impugned order was himself sitting as a member of the Full Bench. Consequently, the matter was adjourned to 01.10.2026. Meanwhile, contempt proceedings were initiated against the Petitioner for alleged non-compliance with the impugned order. The Petitioner submits that its statutory right of appeal has effectively been rendered illusory because the appeal and stay application could not be heard by a properly constituted and impartial Full Bench, while contempt proceedings are being pursued against it. The Petitioner further contends that enforcement of the impugned order during pendency of the statutory appeal would cause serious financial and administrative prejudice, particularly when the dismissal was based upon alleged submission of fake educational credentials. Accordingly, the Petitioner has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution, seeking constitution of an appropriate Full Bench of NIRC, excluding the learned Member who authored the impugned order, for expeditious adjudication of the pending appeal and stay application, and suspension of the impugned order and contempt proceedings until such appeal is decided.

3. We have heard the learned counsel for the petitioner on the subject issue which is of pure question of law and jurisdiction as such this petition needs to be decided without issuing notice to the respondents.

4. The petitioner had already availed the statutory remedy under Section 58(2)(b) of the Industrial Relations Act, 2012 against the order of the learned Single Member directing reinstatement of the private respondent. However, the statutory appeal and accompanying application for interim relief could not be taken up because of the non-availability of the requisite Full Bench at Karachi, while, at the same time, the petitioner was exposed to contempt/coercive proceedings for alleged non-compliance with the very order under challenge.

5. The principle of fair hearing and due process embodied in Article 10-A of the Constitution requires that a litigant be afforded a meaningful and effective opportunity to have its statutory remedy adjudicated by a properly constituted forum. More particularly, where the learned Member who passed the impugned order is also participating in the Full Bench before which that very order is under challenge, an apprehension regarding institutional impartiality cannot be lightly disregarded.

6. At the same time, this Court, while exercising constitutional jurisdiction under Article 199, ought not to substitute itself for the statutory appellate forum or adjudicate the merits of the underlying service dispute.

7. Accordingly, the direction is needed to be issued to the Full Bench of the NIRC to expeditiously hear and decide Appeal No. 12A(03)/2026-K, together with the pending application for interim relief/stay, within three weeks' time.

8. Consequently, the petition is disposed of with a direction to the learned Full Bench of the NIRC to take up and decide the petitioner's statutory appeal under Section 58(2)(b) of the Industrial Relations Act, 2012, along with the application for interim relief/stay, strictly in accordance with law, preferably within three weeks of receipt of the order. Until such adjudication, the petitioner is protected from coercive action in respect of the compliance of the main order passed by the learned single Bench of NIRC.

JUDGE

JUDGE

Shahzad Soomro