

ORDER SHEET

IN THE HIGH COURT OF SINDH, AT KARACHI

CP No.D–3576 of 2025

(Raheem Khan Afridi and 21 Others v. M/s. Pharmatec Pakistan (Private) Limited and 3 Others)

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(Raheem Khan Afridi and 21 Others v. M/s. Pharmatec Pakistan (Private) Limited and 3 Others)

Date

Order with Signature(s) of Judge(s)

Directions:

For Order as to maintainability of Petition(s)

30.09.2025

Mr. Abdul Ghaffar, Advocate for Petitioners (in both Petitions)
Mr. S.M. Iqbal, Advocate for Respondents No.1 and 2

These two Petitions involved common question and has challenged three Orders passed by National Industrial Relations Commission (“NIRC”), starting from Order dated 18.04.2024 (Page-21), which has allowed the Application of present Petitioners for transfer of their Grievance Petition to Provincial Labour Court in view of the earlier Decision given by the Full Bench of NIRC (Respondent No.4) vide Order dated 22.08.2022 (in Appeal No.12R(51)/2021), wherein *inter alia*, it is held that Respondent No.1 is not a Trans-provincial Entity and therefore, matters of workers will be dealt with under the Provincial Labour Law. The other Order is of 15.11.2024 in which the present Petitioners filed an Application before learned Single Member, NIRC (Respondent No.3) that their case be heard by the latter after re-admitting it, as the Registrar of Labour Court is not agreeing with the factual aspect of the Respondents being Trans-provincial. Their application was dismissed vide said Impugned Order (*ibid*), which was challenged in Appeal No.12A(06)/2025K (Page-17) before the learned Full Bench of NIRC, but unsuccessfully, and the said Appeal has been dismissed being time barred vide the third Impugned Order of 17.06.2025.

The main stance of the Petitioners is that either of the Fora available under Federal or Provincial Statute should hear their grievance. It is further highlighted by the Petitioners’ Counsel that the Respondent No.1 Establishment has come up with a contradictory stance in the Applications filed by the workers of the Establishment before learned Labour Court. The Respondent’s Counsel has moved an Application under Order VII Rule 10 of the Code of Civil Procedure 1908, *inter alia*, taking a stance that the

Establishment is a Trans-provincial. Vide Order dated 13.01.2024, the learned Labour Court has factually and legally determined this aspect that Respondent No.1 being Trans-provincial is subject to the jurisdiction of NIRC as per Industrial Relations Act 2012 and the Court refused to hear the case of workers of Respondents-Establishment.

We have confronted the Respondent's Counsel on the above and he states that Respondent No.1 Establishment has filed an Appeal against the First Order of Full Bench of NIRC dated 22.08.2022 (*supra*) before the learned Islamabad High Court, which is still subjudice. On the question of contradictory stance as reflected in different Orders, Respondent's Counsel states that there is no contradiction as the Respondent No.1 infact is a Trans-provincial Entity having its branches in other Provinces as well. Both Advocates have placed reliance on the **Supreme Court of Pakistan Judgment handed down in Civil Appeals No.481 of 2017, 913 and 914 of 2020, known as M/s. Mondelez Pakistan Limited (previously Kraft Foods Pakistan Ltd.) v. The Federation of Pakistan through Secretary Ministry of Law Justice and Parliamentary Affairs, Islamabad, etc**, in which the aspect of Trans-provincial Establishment is expounded.

It is necessary to observe that at the start of hearing, we have specifically asked Respondent's Counsel about his Counter Affidavit and he states that Petition can be concluded on the basis of available record, but during the course of arguments, he sought time to place on record the documents showing that Respondents-Establishment is a Trans-provincial Entity. We cannot accept this unprofessional attitude. The question here is that Grievance Petition (Page-137) of Petitioners filed in NIRC is still pending and due to above First Order, Petitioners are running from pillar to post as both Fora established under Federal and Provincial are reluctant to exercise jurisdiction.

In view of the above and in particular, the Order dated 13.01.2024 (Page-87), passed by the Learned Labour Court No.III, Karachi, factually it is clear that the Respondents-Establishment is a Trans-provincial Entity. Interestingly, this crucial aspect is not disputed by both the Advocates for the Parties. The substantial question is about whether the grievance of the Petitioners is genuine or not, which should be decided on merits. Therefore, the last Order of Full Bench of NIRC whereby an Appeal was dismissed on the basis of being time barred, should have been decided on merits,

inter alia, because at present the Petitioners are remediless. Hence, we did not agree with the conclusion.

The upshot of the above discussion is that all the Impugned Orders are set-aside that is, of 18.04.2024, 15.11.2024 and 17.06.2025. The NIRC, which is seized of the *case/lis* of the Petitioners, shall decide the same in accordance with law and expeditiously.

Accordingly, both the Petitions are disposed of along with pending application(s), if any.

JUDGE

JUDGE

FAIZAN/*