

IN THE HIGH COURT OF SINDH AT KARACHI

Present: **Adnan-ul-Karim Memon** and **Agha Faisal, JJ.**

Constitution Petition No. D-5559 of 2018

Anis Ahmed Khan

Versus

The Federation of Pakistan through Secretary Ministry of
Petroleum & Natural Resources of Pakistan & Others

For the Petitioner : Mr. Zahid Hamid, Advocate

For Respondent No.2 : Mr. Asim Iqbal, Advocate

Date of Hearing : 07.08.2018

JUDGMENT

Agha Faisal, J: The crux of this judgment is to determine whether it is just and proper for this Court to interfere in a matter presently reserved for order / judgment before the National Industrial Relation Commission (“NIRC”).

2. The brief facts culminating in the present petition may be encapsulated and presented as follows:

- i. The Petitioners are the employees of the Respondent No.2, Sui Southern Gas Company Limited (“SSGC”), and pursuant to the orders of the honorable Supreme Court of Pakistan an exercise was initiated by the SSGC for the verification of the antecedents/qualifications of all its employees, including the Petitioners.
- ii. It was demonstrated from the record that the University of Karachi and the Board of Secondary Education

Karachi responded to the verification requests by submitting that the degrees of the Petitioners were found to be forged, tampered with and bogus.

- iii. The Petitioners were then show caused / charge sheeted by their employer, SSGC, and the said proceedings were challenged by the Petitioners before the Respondent No.3, NIRC, notwithstanding the fact that no order, adverse or otherwise, was rendered there against.
- iv. It was demonstrated from the record that the NIRC began hearings of the respective petitions filed by the Petitioners and also granted interim stays thereto while the matter was under adjudication.
- v. The matter was subsequently heard by the NIRC and presently stands reserved for orders. The present petition has been filed *inter alia* to restrain the NIRC from passing any orders in respect thereof.

3. Mr. Zahid Hamid, learned counsel for the Petitioners stated that there was no impugned order in the present petition and that it was prayed that this Court be pleased to restrain the NIRC from passing any order in respect of the petitions filed by the Petitioners before the NIRC. It was further submitted that the inquiry reports, which were assailed before the NIRC, must not be taken into account by the NIRC while rendering any order as the Petitioners have not had the opportunity to cross examining the authors of the said inquiry reports. It was further contended that the Petitioners had reservations regarding the proceedings that were undertaken by the NIRC and that unless the said reservations were addressed, the NIRC was not entitled to pass any order.

4. Mr. Asim Iqbal, learned counsel for SSGC, submitted that the Petitioners had obtained the employment with the SSGC upon forged and bogus documents and that the said employment was currently sustained by the interim orders of the very institution, NIRC, and in the very proceedings which were currently being impugned by the Petitioners. Per learned counsel, the NIRC was a competent forum seized of the lis and that any order passed in exercise of such jurisdiction was amenable to appeal in the manner prescribed by law. It was argued that the honorable High Court of Sindh was approached in the interim and that directions were given for the NIRC to conclude the hearings preferably within two months. It was further contended by the learned counsel that in the present facts and circumstances, no interference of the High Court in the lawful exercise of the authority of the NIRC was merited. In conclusion, it was submitted that the present petition was further ploy of the Petitioners to sustain their employment with the SSGC, which was demonstrably predicated upon the forged, tampered and bogus qualifications.

5. We have given due consideration to the arguments of the respective learned counsel and have also perused the documents brought to our attention.

6. It is apparent from the record that the Petitioners were aggrieved by the show cause notices / charge sheets issued by their employer and notwithstanding the fact that no adverse order or findings had been rendered there against the said grievances are in the process of being adjudicated by the NIRC, upon being so

petitioned by the Petitioners. Learned counsel for the Petitioners has failed to highlight any infirmity in the impugned proceedings, which would necessitate the interference of this Court in the exercise of its writ jurisdiction.

7. It is also apparent that no order has been rendered by the NIRC and that the mere apprehension of an adverse order could not be made the grounds for the assumption of jurisdiction by this Court, in the present facts and circumstances. Even otherwise, if the Petitioners are aggrieved by any order rendered by the NIRC, then they shall remain at liberty to challenge the same in the manner prescribed by law.

8. In view of the reasoning and rational contained hereinabove, this Court is of the opinion that the present petition is devoid of merit and hence, the same was dismissed vide short order dated 07.08.2018.

9. These are the reasons for our short order.

Judge

Judge

*Faizan/PA**