

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
CP. No. D-8374 of 2018

Date Order with Signature(s) of Judge(s)

Fresh case

1. For order on Misc. No.36659 /2018.
2. For order on Misc. No.36660 /2018
3. For hearing of main case.

06.12.2018

Mr. Ahmed Ali Ghumro, advocate for the Petitioner.

1. Urgency granted.
2. Exemption application is granted subject to all just exceptions.
3. It is, *inter-alia*, contended by the learned counsel for the Petitioner that the service of the Petitioner was terminated on 06.12.2008 by the Respondent-Bank and he served the Grievance Notice to the Respondent-Bank on 20.06.2012 along with Departmental Appeal, which was not responded by the Respondent-Bank. He next contended that Petitioner was involved in Reference No.12/2011 in the Accountability Court, therefore, he could not file his Grievance Petition in time before the learned Single Bench of NIRC on the premise that his Departmental Appeal and Grievance Notice etc. are still pending with the Respondent-Bank. Learned counsel next contended that the Petitioner filed Petition under section 33 of the Industrial Relation Act, 2012 before the learned Single Bench of NIRC, which was dismissed in limine vide order dated 14.4.2016. He next added that he preferred Statutory Appeal under section 58 of the Industrial Act, 2012 before the full bench of NIRC which was too dismissed vide order dated 16.8.2018, thereafter he has approached this Court on 30.11.2018. He next argued that both the learned Courts below failed to appreciate that the service of the Petitioner was terminated and he served the Grievance Notice upon the Respondent-Bank on 14.6.2015 on the premise that he was facing the Accountability Reference before the learned trial Court, which was culminated in favour of the Petitioner; that both the learned Courts below failed to appreciate the factum that the Petitioner has earned his acquittal in criminal case, therefore, he was entitled for reinstatement in service; that both the Courts below failed to appreciate that the Petitioner filed Departmental Appeal in the year 2009 within time which is still pending. He lastly prays for notice to the Respondents.

To appreciate the above factum, let notice be issued to the respondents as well as DAG for **15.1.2019**.

JUDGE

JUDGE