

IN THE HIGH COURT OF SINDH AT KARACHI

Present:
Mr. Justice Muhammad Shafi Siddiqui
Mr. Justice Adnan-ul-Karim Memon

C.P. No. D-8908 of 2018

M/s Pakistan Television Corporation Limited
Versus
Muhammad Habib Ahmed Khan & others

Date of Hearing: 01.02.2021

Petitioner: Through Mr. Mudassir Iqbal Advocate

Respondents No.1 & 2: Through Mr. Shahenshah Husain Advocate

Respondents No.3 & 4: Through Mr. M. Nishat Warsi, DAG.

J U D G M E N T

Muhammad Shafi Siddiqui, J.- Against the concurrent findings of two forums below, the petitioner Pakistan Television Corporation Ltd. has filed this petition.

2. Brief facts are that respondents No.1 and 2 preferred petition under section 54 of the Industrial Relations Act, 2012 challenging the notification of reducing/revising their professional qualification allowance. The petitioner contested the application by filing a reply along with affidavit however the petition was allowed and the impugned letter dated 20.01.2014 was set aside. Petitioner preferred an appeal before the Full Bench of NIRC however the NIRC Full Bench also agreed with the observations of learned Single Member that the respondents are workmen and the petitioner failed to prove otherwise hence this petition.

3. We have heard the learned counsel and perused material available on record.

4. The solitary ground, as raised by petitioner's counsel, is that respondents No.1 and 2 do not come within the frame of workmen and hence they cannot maintain applications before NIRC under the relevant law. It is a settled proposition that the designation itself does not count towards the nature of work which is actually assigned whereas the person performing the manual work comes within the frame of a workman under the law.

5. The acceptance of the respondent No.1 being qualified as ACMAP, which is equivalent to a chartered accountant, does not place him in the category other than workman, if it is otherwise established. Petitioner itself suggested in the cross-examination that he was initially appointed as a workman and there is nothing on record to demonstrate that he was ever promoted or appointed other than a class of workman. Having qualification of chartered account or equivalent as a chartered accountant is one thing whereas appointment and performing duties as workmen is another thing.

6. We are exercising the jurisdiction under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 and cannot probe such intricate questions of fact which otherwise are not deducible from the cross-examination conducted by the petitioner while the respondents were in witness box.

7. Above being the position on the basis of concurrent findings of two forums below, no interference is required and the petition along with listed application was thus dismissed by a short order dated 01.02.2021 and these are reasons for the same.

Dated:

Judge

Judge