

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P No.D-2625 of 2021

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

1. For orders on Misc No.11398/2021.
2. For orders on Misc No.11399/2021.
3. For orders on Misc No.11400/2021.
4. For hearing of main case.

22.04.2021

Mr. Shahensha Hussain, advocate.

- 1) Urgency granted.
- 2) Granted subject to all just exceptions.

3&4) Primarily the petitioner Shell Pakistan Employees Union has called in question the order dated 22.03.2021 passed by the learned Full Bench of National Industrial Relations Commission Islamabad, Bench at Karachi, in Appeal No.12-A(34) /2020-K and other connected appeals, whereby the order passed by the learned Single Bench of NIRC concurred; and, dismissed their appeals. It is inter-alia contended that the order dated 22.03.2021 passed by the learned Full Bench of NIRC is full of errors, thus liable to be set aside. Per learned counsel, the respondent Shell Pakistan Limited started appointing casual / contract workers on the permanent posts with malafide intention by replacing the members of the Union Staff, to frustrate the role of Collective Bargaining Agent. He emphasizes that the petitioners declined to yield to its pressure and was consequently warned that all possible means would be taken to curb and restrict the legal activities of the petitioner-union; and, all the acts on the part of the respondent-shell amount to unfair labor practice as envisaged by Section 31 Industrial Relations Act 2012; and, infringed the rights guaranteed to the petitioner-union and its workers collectively. They being aggrieved by and dissatisfied with the illegal activities of respondent-Shell Pakistan Limited, filed petition No.4A(89) of 2000 before the learned Single Bench of NIRC, whereby directions was given to respondent-shell to maintain status-quo in respect of employment of unionized workers; and, refrained from harassing and pressurizing the officer bearers of the petitioner-union. The aforesaid decision was assailed in Appeal which was dismissed vide order dated 22.03.2010. However, they did not stop here and further litigated before this Court by filing C.P No.D-1049/2010, which was later on disposed of vide order dated 25.10.2016 with certain observations. Learned counsel referred to various documents attached with the memo of the petition and argued that the petitioner-union has a good prima-facie case against the respondent-Shell. He prayed for notice.

To appreciate the aforesaid contentions and to see whether respondent No.2 committed unfair labor practices as defined under Industrial Relations Act 2012, let notice be issued to the respondents as well as to learned DAG for 20.05.2021. In the meanwhile, the decision of the learned NIRC dated 22.03.2021 is subject to the outcome of this petition.

JUDGE

JUDGE