

**ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI**

BEFORE:  
**Mr. Justice Muhammad Shafi Siddiqui  
Mr. Justice Adnan Iqbal Chaudhry**

C.P. No.D-5232 of 2019

Muhammad Danish Khan  
Versus  
National Bank of Pakistan & others

Date	Order with signature of Judge
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**Date of hearing: 02.10.2019**

Syed Abdul Waheed for petitioner.

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**Muhammad Shafi Siddiqui, J.**- This petition is arising out of concurrent findings recorded by NIRC Karachi Bench in Case No. 4B(04)2017-K and National Industrial Relations Commissions Islamabad Full Bench at Karachi in Appeal No. 12-A (36)/18-K vide orders dated 04.07.2018 and 17.06.2019 respectively.

Brief facts of the case are that petitioner was appointed as Assistant in the respondent Bank on 03.12.2008. He received suspension order on 04.04.2012. He was charge sheeted on 25.05.2012. He received final show-cause notice on 20.11.2012 which was replied. Petitioner received a Memorandum on 26.02.2013 whereby he was dismissed from service. He presented a mercy petition on 29.04.2013 but it was not responded.

It is claimed that petitioner could not obtain certified copy of order of dismissal as the file was not received by the office and it is only when the office received the file he applied for certified copy on 09.12.2016. The cost was claimed to have been estimated on 14.12.2016

and thus copy was made ready on 19.12.2016. Petitioner therefore claimed to have filed appeal/application under section 33 of Industrial Relation Act, 2012 bearing No.4-B (04/2017-K) which was dismissed by Single Bench, National Industrial Relation Commission. The petitioner preferred an appeal bearing No.12-A (36)-2018-K before Full Bench, National Industrial Relation Commission, which was also dismissed on the ground of being barred by time hence petitioner preferred this petition.

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

At the very outset we do not see it a legitimate defence that since the file was not available in the office, therefore, petitioner could not move application for certified copy of dismissal order. It was only on receipt of file in the office that motivated him (petitioner) to move an application for certified copy. He was dismissed from service on 26.02.2013; thus the cause triggered on the same day to file grievance petition/application. Filing of mercy appeal on 29.04.2013 would not extend the time of limitation, as required by law. There is no legitimate excuse thus available that could condone such delay of more than three years to move application to obtain certified copy. Thus, we do not see any reason to interfere in the findings reached by Full Bench of National Industrial Relations Commission wherein the grievance petition was held to be barred by time.

In view of the above petition was dismissed vide short order dated 02.10.2019 and these are the reasons for the same.

Dated:

**Judge**

**Judge**