

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
C.P. No.D-5389 of 2023

Date

Order with signature of Judge

FRESH CASE:

1. For order on CMA No.25107/2023 (Urgent).
2. For order on office objections No.4 & 32.
3. For order on CMA No.24779/2023 (Exemption).
4. For order on CMA No.24780/2023 (Stay).
5. For hearing of main case.

Dated: 10th November 2023

Mr. Ghazi Khan Khalil, Advocate for Petitioner.

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1. Urgency granted.
2. Learned counsel for the petitioner undertakes to comply with office objections before the next date of hearing.
3. Exemption granted subject to all just exceptions.

4&5. Through instant Constitutional Petition, the petitioner has impugned the Order dated 10.10.2023 passed by the Full Bench of National Industrial Relations Commission, Islamabad at Karachi in Appeal No.12A(11)/2022-Q, whereby, according to learned counsel for the petitioner, the appeal filed by the petitioner company, who has no statutory rules, has been dismissed while confirming the order dated 03.01.2023, whereby, directions have been issued to the petitioner to regularize the services of third party contract employees, which per learned counsel, is in violation of law and the judgment already passed by the Hon'ble Supreme Court of Pakistan in the case of **Messrs SUI SOUTHERN GAS COMPANY LTD. v. ZEESHAN USMANI and others (2021 SCMR 609)**. Whereas, according to learned counsel for the petitioner, in the case of **KHUSHAL KHAN KHATTAK UNIVERSITY through Vice-Chancellor and others v. JABRAN ALI KHAN and others (2021 SCMR 977)**, wherein, it has

been categorically held by the Hon'ble Supreme Court of Pakistan that no vested right accrues to a contract employee working in an organization, which has no statutory rules, therefore, the direction for regularization of such employee through impugned order by the Full Bench of NIRC is illegal and without lawful authority. It has been further contended by the learned counsel for the petitioner that reliance placed by the Full Bench of NIRC in its impugned order, as referred to in Para 11, has been misplaced and the facts of such cases are distinguishable and not attracted to the facts of instant case.

Let pre-admission notice be issued to the respondents as well as to the D.A.G., to be served through first three modes, for **28.11.2023**, when comments/reply, if any, shall be filed with advance copy to the learned counsel for the petitioner.

At this juncture, learned counsel for the petitioner submits that since pursuant to the impugned order contempt notice has been issued to the petitioner, therefore, requests that the operation of impugned order may be set aside till next date of hearing.

Till the next date, respondents shall not proceed any further pursuant to the contempt notice, if any, issued to the petitioner.

ACTING CHIEF JUSTICE

J U D G E

Farhan/PS
