

**ORDER SHEET**  
**IN THE ISLAMABAD HIGH COURT, ISLAMABAD**  
**JUDICIAL DEPARTMENT**

W.P.No.2662 of 2019  
Pakistan International Airlines Corporation Ltd.  
**Versus**  
Ashfaq Ahmed and others

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	04.10.2019	Mr. Momin Ali Khan, Advocate for the petitioner.

Through the instant writ petition, the petitioner, Pakistan International Airlines Corporation Ltd., impugns the order dated 26.03.2019 passed by the learned Full Bench, National Industrial Relations Commission ("N.I.R.C."), whereby the petitioner's appeal against the interim order dated 31.12.2014, passed by the learned Member, N.I.R.C. was dismissed. Vide the said interim order dated 31.12.2014, the learned Member, N.I.R.C. granted an injunction on respondent No.1's petition under Section 54(e) of the Industrial Relations Act, 2012 ("I.R.A.").

2. Learned counsel for the petitioner submitted that respondent No.1 had submitted fake Detailed Marks Certificate ("D.M.C.") allegedly issued by University of the Punjab in the year 1995 in order to gain employment in the petitioner/company; that University of the Punjab had confirmed vide letter dated 05.06.2014 that the said D.M.C. is fake/bogus; that the petitioner/company issued a show cause notice to respondent No.1; that the issuance of the said notice prompted respondent No.1 to file a petition under Section 54(e) of the I.R.A. before the N.I.R.C.; that along with the said petition,

respondent No.1 also filed an application for interim injunction; that vide order dated 31.12.2014, the ad interim injunction granted to respondent No.1 on 03.07.2014 was confirmed; that the said order dated 31.12.2014 passed by the learned Member, N.I.R.C. was assailed by the petitioner/company in an appeal before the learned Full Bench, N.I.R.C.; and that vide impugned order dated 26.03.2019, the said appeal was dismissed.

3. Learned counsel for the petitioner further submitted that the learned Member and Full Bench, N.I.R.C. erred by not appreciating that respondent No.1 had submitted a bogus D.M.C. in order to gain employment in the petitioner/company; that educational qualifications obtained by respondent No.1 after the submission of the bogus D.M.C. would be of no consequence; and that a degree from Al-Khair University had not been submitted by respondent No.1 in order to gain employment in the petitioner/company. Learned counsel for the petitioner prayed for the writ petition to be allowed in terms of the relief sought therein.

4. I have heard the contentions of the learned counsel for the petitioner/company and have perused the record with his able assistance.

5. The petition filed by respondent No.1 under Section 54(e) of the I.R.A. is pending since July 2014 before the learned Member, N.I.R.C. The ad interim injunction granted to respondent No.1 on 03.07.2014 was confirmed by the learned Member, N.I.R.C. on 31.12.2014. The petitioner/company's

appeal against the said order dated 31.12.2014 was dismissed by the learned Full Bench, N.I.R.C., vide order dated 26.03.2019.

6. Since the main petition is still pending before the learned Member, N.I.R.C. and this petition relates only to the interim orders passed in the said petition, this Court, in exercise of its constitutional jurisdiction under Article 199 of the Constitution exercises restraint in interfering with such orders. However, it is a matter of concern that respondent No.1's petition before the learned Member, N.I.R.C. has been pending since the past more than five years with an injunction in the field. Without interfering in the said orders dated 31.12.2014 and 26.03.2019, this petition is disposed of with the direction to the learned Member, N.I.R.C. to decide respondent No.1's petition under Section 54(e) of the I.R.A. within a period of one month from the date of the receipt of this order. Office is directed to transmit a copy of this order to the Registrar, N.I.R.C.

7. Disposed of in the above terms.

**(MIANGUL HASSAN AURANGZEB)**  
**JUDGE**

*Sultan\**