

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

Writ Petition No. 1790/2019.

Tariq Qureshi, etc.

Versus

The National Industrial Relations Commission through Registrar, NIRC, Islamabad.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	07.05.2019.	Syed Riaz Hussain, Advocate for petitioners.

Through this writ petition, the petitioners have assailed the order dated 24.04.2019, passed by learned Full Bench, NIRC at Karachi arising out of proceedings of contempt application No.7(07)/2017-Q against the order dated 05.09.2018, passed by learned Single Bench, NIRC at Quetta.

2. Learned counsel for the petitioners contends that in the earlier round of proceedings learned Single Bench, NIRC, Quetta passed the ex-parte order in favour of respondents for their reinstatement in service vide order dated 28.04.2016 and the said order was upheld upto the Apex Court and respondents filed contempt application before the learned Single Bench, NIRC Quetta in which show cause notice was issued to the officials of OGDCL (present petitioners) for non-compliance of order and petitioners have assailed the said order before learned Full Bench, NIRC at Karachi, which was dismissed being not maintainable; that both the forums below have not appreciated the law on the

subject as regularization of the respondents would be made only in accordance with law and policy of the company.

3. Learned counsel for the petitioners has been confronted regarding maintainability of instant writ petition especially when the contempt application was filed before NIRC Bench at Quetta for non compliance of the findings of NIRC and order was further assailed before Full Bench, NIRC at Karachi, whereby learned counsel for the petitioners contends that in the earlier round of proceedings Islamabad High Court has passed the order in writ jurisdiction, therefore, this Court has jurisdiction in the matter.

4. While considering the above reply, I am of the view that Full Bench NIRC, Islamabad passed the order which was earlier assailed before Islamabad High Court but at this stage when the original order arising out of contempt application, was passed at Quetta and same was assailed before Full Bench, NIRC at Karachi, filing of instant writ petition is considered to be a forum shopping and petitioners are not allowed to pick and choose the jurisdiction at their own personal whims rather it can only be regulated in terms of IRA, 2012.

5. Perusal of record further reveals that grievance notice issued by respondents to the OGDCL for the purpose of regularization of service was issued at Quetta, the grievance petition filed by the respondents U/S 33 of IRA, 2012 was also filed before Single Bench,

NIRC Quetta, therefore, initial cause of action accrued to the respondents' side emerges on record from Quetta and as such the proceedings in the constitutional jurisdiction has to be regulated through Civil Procedure Code, 1908, whereas cause of action has been accrued in the territorial jurisdiction of Quetta but petitioner has challenged the order in the jurisdiction of this High Court, which is not available unless Full Bench, NIRC, Islamabad has passed any order, therefore, instant writ petition is *dismissed in limine* for want of jurisdiction and petitioners may approach the competent Court at Quetta for redressal of their grievances, if so advised.

(MOHSIN AKHTAR KAYANI)
JUDGE

Zahid