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Form No: HCJD/C-121

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD  
(JUDICIAL DEPARTMENT)

W.P. No.05/2019

Gohar Ali

Versus

Full Bench of National Industrial Relations Commission, etc.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	03-01-2019	Mr Abdul Hafeez Amjid, ASC for petitioner.

Through this petition, the petitioner has assailed orders, dated 28-09-2017 and 31-12-2018, passed by the learned single Member and learned Full Bench respectively of the National Industrial Relations Commission (*hereinafter referred to as the 'Commission'*).

2. The facts, in brief, are that the petitioner had filed a petition under section 54(e) of the Industrial Relations Act, 2012 (*hereinafter referred to as the 'Act of 2012'*) challenging the disciplinary proceedings which had been initiated against him by issuing charge sheet, dated 16-11-2015. The

petition was dismissed by the learned single Member of the Commission vide order, dated 28-09-2017. The petitioner preferred an appeal which was dismissed by the learned Full Bench vide order, dated 31-12-2018.

3. The learned Counsel has been heard at length. He has argued that the impugned order passed by the learned Full Bench of the Commission is illegal because it has been passed without application of mind. The learned Counsel has stated that the petitioner was dismissed from service and this fact was not taken into consideration by the learned Full Bench of the Commission. However, the learned Counsel has stated that a separate grievance petition was served on the employer in relation to the dismissal order and that a petition in this regard is pending before the Commission.

4. The learned Counsel has been heard and record perused with his able assistance.

5. The impugned orders have been passed in relation to the petition which was filed by the petitioner under section 54(e) of the Act of 2012 and

wherein charge sheet, dated 16-11-2015, had been impugned. Admittedly, the disciplinary proceedings culminated in passing of a final order and thus the aforementioned charge sheet had become infructuous. It is also an admitted position that the final order passed by the competent authority whereby the petitioner has been dismissed from service was challenged through separate proceedings and that the matter relating thereto is pending before the Commission. In such an eventuality, the earlier petition whereby charge sheet was challenged had become infructuous. Moreover, the learned Counsel despite his able assistance could not show any illegality or jurisdictional error requiring interference by this Court while exercising jurisdiction under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973.

6. For what has been discussed above, the instant petition is without merit and is, therefore, accordingly ***dismissed in limine***.

(CHIEF JUSTICE)