

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

I.C.A No.370 of 2019

Sardar Khan Niazi

Versus

Ministry of Information and Broadcasting, Islamabad and others

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	11.02.2020	Mr. Arif Chaudhry, Advocate for the appellant. Mr. Saqlain Haider Awan, AAG. G.M. Jakhrani, Deputy Director (Lit.), M/o Information and Broadcasting. Respondent No.3, in person.

Respondent No.3, namely Muhammad Altaf

Tahir filed an application before the Chairman, Implementation Tribunal for Newspaper Employees for payment wages pursuant to 7th Wage Board Award against the appellant. The referred application was decided in favour of respondent No.3 vide order dated 15.09.2014. The referred decision was challenged through a petition under Article 199 of the Constitution in this Court (W.P. No. 4272/14). The referred petition was dismissed by the Judge in Chambers vide impugned order dated 19.09.2018, hence the appeal.

2. Learned counsel for the appellant, *inter alia*, contended that the claim/application of respondent No.3 was not maintainable in light of the recent decision of this Court in case reported as Daily Khabrain and others versus Iqbal Mustafa and others (2019 PLC (CS) 541). It was further contended that application was barred by limitation and even otherwise, respondent

No.3 was not competent to invoke the jurisdiction. It was also submitted that the learned Tribunal erred in calculating the liability against the appellant in the sum of Rs. 7,54,000/- approximately.

3. Respondent No.3, in person, submitted that he worked with the appellant but wages paid were not in accordance with 7th Wage Board Award. He submitted that no objection regarding jurisdiction of limitation was raised before the Tribunal, hence objection cannot be raised at this belated stage.

4. Arguments advanced by the learned counsel for the parties have been heard and the documents placed on record examined with their able assistance.

5. Before the Implementation Tribunal, the appellant entered appearance and raised factual and legal objections. The examination of the said objections shows that one of the same was to the effect that respondent No.3 was not a permanent employee. No objection regarding limitation was raised. Objection regarding respondent No.3 being permanent employee has been dealt with in detail by the learned Chairman, Implementation Tribunal. No material was placed on record or argued during the course of proceedings to substantiate the plea that respondent No.3 was not permanent employee of Daily Pakistan. Moreover, nothing was stated or substantiated in support of the arguments that the claim of respondent No.3 was barred by limitation, hence the judgment of this Court in case reported as Daily Khabrain and others versus Iqbal

Mustafa and others (2019 PLC (CS) 541) is not applicable in the facts and circumstances. The judgment impugned before this Court is well reasoned and takes care of all the factual and legal aspects raised before the Tribunal. It is trite law that under Article 199 of the Constitution, in such like cases, this Court does not sit as Court of appeal but is to examine any jurisdictional error or illegality. Judgment of learned Tribunal as well as Judge in Chambers do not suffer from any such infirmity.

6. For what has been stated above, the instant appeal is without merit and is accordingly **dismissed**.

(GHULAM AZAM QAMBRANI)
JUDGE

(AAMER FAROOQ)
JUDGE

M.Shah.