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Form No: HCJD/C-121.

**JUDGEMENT SHEET**

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

W.P. No. 49 of 2019

Shafique Ahmed

***Vs***

Full Bench of National Industrial Relations Commission and 4 others.

**PETITIONERS BY:** Mr. Abdul Hafeez Amjad, Advocate

**DATE OF HEARING:** 08-01-2019.

**ATHAR MINALLAH, J.-** Through this order, I shall

decide the instant petition alongwith W.P.No.51 of 2019.

2. The facts, in brief, are that both the petitioners are employed against various posts in Pakistan International Airlines Corporation (hereinafter referred to as the "***Corporation***"). Shafique Ahmed, petitioner in W.P.No.49/2018 was served with show cause notice alleging therein that at the time of his appointment he had submitted a forged educational certificate. Show cause notice was served on the basis of letter, dated 15-09-2014 which was received from the Board of Intermediate and Secondary Education, Rawalpindi. The latter had reported that the certificate submitted by the petitioner was not genuine. Likewise, the petitioner namely, Abdul Rehman in W.P.No.51 of 2019 was also served a show cause notice alleging therein that the matriculation certificate which he had submitted at the time of his appointment was not genuine. While the proceedings were pending pursuant to issuance of the respective show cause notices, the petitioners filed grievance petitions before the National Industrial

Relations Commission (hereinafter referred to as the "**Commission**").

It is their case that since they are active members of one of the Trade Unions, therefore, initiation of proceedings against them was based on malafide. The learned Single Member dismissed the petitions. The appeals preferred by the petitioners were also dismissed by a learned Full Bench of the Commission.

3. The learned counsel for the petitioners has been heard at length. He has argued that both the forums did not appreciate that the petitioners were not given a fair opportunity solely for the reason that the management holds a grudge against them. He has stressed that there is a genuine apprehension that the petitioners would be deprived from their livelihood in a perfunctory manner.

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

5. Admittedly, show cause notices were issued, which were challenged by the petitioners before the Commission. There is nothing on record to indicate that proceedings against the petitioners are based on malafide. The show cause notices have been served on the basis of reports received from the concerned educational Boards/Institutions. The learned counsel has stressed that the petitioners apprehend that they would be terminated from service in a perfunctory manner. The learned counsel despite his able assistance could not show any material that would indicate that the competent authority would decide the disciplinary proceedings without application of mind or in violation of the mandatory requirements of due process. Due process is a fundamental right guaranteed under Article 10-A of the Constitution of the Islamic Republic of Pakistan, 1973. The

competent authority obviously is under an obligation to conclude the pending disciplinary proceedings, inter alia, having regard to the principles of due process. The concurrent findings in both the cases do not suffer from any legal infirmity requiring interference while exercising jurisdiction under Article 199 of the Constitution.

6. For what has been discussed above, these petitions are without merit and, therefore, accordingly dismissed *in limine*.

**(CHIEF JUSTICE)**

*Asif Mughal\**