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ORDER SHEET

IN THE ISLAMABAD HIGH COURT,
ISLAMABAD

Writ Petition No. 97/2019

All Pakistan ZTBL Employees Union (CBA), etc

Versus

Member, NIRC etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	11.01.2019	Rana Abid Nazir Khan, Advocate for petitioners.

Through this writ petition, the petitioners have
prayed for following relief:-

*"that by accepting the instant writ petition, the
action taken by the respondents in pursuance of
the impugned order dated 06.12.2018 may very
graciously be declared illegal, unlawful, arbitrary,
capricious, based on malafide and against the
settled principles of law."*

2. Learned counsel for petitioners inter-alia contends that the petitioners are CBA in the establishment of ZTBL since 05.10.2016 and respondent No.2/All Pakistan ZTBL Workers Union has filed application to respondent No.3/The Registrar Trade Unions, to conduct referendum of CBA in the establishment of ZTBL and RTU was pleased to pass order dated 06.12.2018 with direction to respondent No.4/The Authorized Officer/Deputy Registrar, NIRC for holding the referendum for determination of CBA in respect of establishment of ZTBL. Respondent No.4 issued notice dated 18.12.2018 to the petitioners for appearance in meeting on 26.12.2018 and convened meeting on the said date wherein, date of referendum has been notified as 25.01.2019. Feeling aggrieved with

the said order, petitioners have impugned the same before the NIRC in terms of section 12 of IRA, 2012 through appeal No.12B (15)/2018 which was entertained by learned Single Bench, NIRC and issued notices for 26.12.2018 however, no restraining order was passed and matter was adjourned to 07.01.2019. On the said date, respondents put appearance and sought adjournment and again no restraining order was passed, hence matter has been agitated before this Court through instant writ petition.

3. I have confronted learned counsel for petitioner as to what is the initial grievance of petitioners and why the referendum proceedings have been challenged, whereupon, he contended that internal elections of petitioners' union for the purpose of CBA have not been conducted and petition before learned RTU for declaration/notification of referendum has not yet been decided and matter is pending before NIRC and if without determination of CBA of petitioners' union, referendum of ZTBL establishment is conducted, petitioners' union would stand ousted as there will be no representation on behalf of All Pakistan ZTBL Employees Union in the said referendum.

4. While considering above background, this Court is of the view that matter regarding internal elections of All Pakistan ZTBL Employees Union is pending before learned Single Bench, NIRC and is fixed for 22.01.2019 and

present matter is also pending before NIRC and any observation if made by this Court at this stage may prejudice the case of either party. Petitioners have agitated the matter before the competent forum which is pending and they are only seeking injunctive order by way of this writ petition. It is trite law that when alternate remedy has been exercised, constitutional jurisdiction cannot be invoked.

5. Learned counsel for petitioner has failed to justify his case at the touch stone of any legal provision or any pronouncement of superior Courts, therefore, instant writ petition is misconceived, same is hereby ***dismissed in-limine***. However, petitioners may approach the concerned Bench of NIRC for redressal of their grievance.

(MOHSIN AKHTAR KAYANI)
JUDGE

Imran