

IN THE ISLAMABAD HIGH COURT, ISLAMABAD

JUDICIAL DEPARTMENT

19396 / Writ

25-Aug-2020

From,

**The Deputy Registrar(Judicial),
Islamabad High Court,
Islamabad.**

To,

1_Full Bench NIRC G-5, Islamabad

2_Member NIRC Karachi

**3_Director HR Coordination, PIACL
Head Office, Karachi Airport, Karachi**

Subject: W.P. 1448/2019 Misc. Other

Maqsood Ahmed-VS-Full Bench of NIRC etc

Dear Sir,

I am directed to forward for information and immediate compliance a copy of this Court's order dated **24-08-2020** passed by Hon'ble Mr. Justice Miangul Hassan Aurangzeb in the above noted case.

Yours Faithfully,


Assistant Registrar (Writ)
For Deputy Registrar (Judicial)

Decided Matter

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

W.P.No.1448 of 2019

Maqsood Ahmed

Versus

Full Bench, N.I.R.C. and others

Date of Hearing: 22.07.2020

Petitioner by: Mr. Abdul Hafeez Amjad, Advocate

Respondents by: Mr. Sadique Akbar Abbasi, Advocate for respondent No.3 /P.I.A.C.

MIANGUL HASSAN AURANGZEB J.- Through the instant writ petition, the petitioner, Maqsood Ahmed, impugns the order dated 26.03.2019 passed by the learned Full Bench of the National Industrial Relations Commission (“N.I.R.C.”) whereby his appeal against the order dated 18.05.2017 passed by the learned Member, N.I.R.C., was dismissed as time-barred. Vide the said order dated 18.05.2017, the learned Member, N.I.R.C. disposed of the petitioner’s petition under Section 54(e) of the Industrial Relations Act, 2012 (“the I.R.A.”) challenging the show cause notice dated 30.09.2015 issued to him by the Pakistan International Airlines Corporation (“P.I.A.C.”). Through the said show cause notice dated 30.09.2015, the petitioner was called upon to show cause as to why disciplinary action should not be initiated against him for having committed misconduct by submitting a bogus matriculation certificate.

2. The learned Member, N.I.R.C. had also directed the management of P.I.A.C. to hold a proper inquiry into the allegations levelled against the petitioner with a reasonable opportunity of defence and hearing to be provided to him before passing a final order.

FACTUAL BACKGROUND:-

3. The facts essential for the disposal of this petition are that on 27.01.2004, P.I.A.C. issued an internal circular inviting applications from workers who had been engaged in P.I.A.C. on daily wages basis to determine their suitability for deployment in P.I.A.C. on contract basis against different positions including junior technicians. In the said advertisement, it was clearly mentioned that the candidates for the position of junior technician must possess the qualification of matriculation.

4. In response to the said circular, the petitioner applied for the position of Junior Assistant. In his application form, the petitioner mentioned that he possess the qualification of matriculation. He also submitted a matriculation certificate bearing Serial No.04452, Roll No.17634 issued by the Board of Intermediate and Secondary Education, Lahore ("B.I.S.E.").

5. Thereafter, the petitioner was appointed as Junior Technician on contract basis. It is an admitted position that the duration of the petitioner's employment contract was extended from time to time. Vide the letter dated 01.09.2008, the petitioner's services were regularized pursuant to a decision taken by the Cabinet Sub-Committee on Regularization of Contract / Daily Wages Employees in the Ministries / Divisions / Attached Departments / Autonomous Bodies / Organizations.

6. The Employees Leadership Team of P.I.A.C., in its 64th meeting held on 28.11.2007, decided to immediately terminate the services of all employees in the Management Cadre (i.e. PG-V and above) including cockpit crew/cabin crew, whose degrees had been found to be bogus. Furthermore, it was decided that as regards the employees in Non-Management Cadre (i.e. PG-IV and below) including cabin crew, whose degrees had been found to be bogus, they would be given a two-year period to submit their degrees/certificates in question to P.I.A.C., and that in case an employee fails to submit the degree/certificate by 31.12.2009, his or her services would be terminated immediately. It is an admitted position that the said deadline was extended to 30.06.2010.

7. The Board of Directors of P.I.A.C., in its 328th meeting held on 28.10.2010, further extended the deadline for the submission of the genuine educational certificates to 31.12.2010. For the purposes of clarity, the said decision of the P.I.A.C.'s Board of Directors is reproduced herein below:-

"83. Board while providing concession/condonation on humanitarian grounds to only those employees who were terminated on July 01, 2010 on account of non-submission of degrees/certificates upto June 30, 2010 as specified by PIA Board in its 325th Meeting held on April 29, 2010, decided that they may be allowed to submit, upto December 31,2010, their degrees/certificates issued upto October 31, 2010. Upon doing so, they may be allowed to re-join their duties on the same position/mode of employment that they had before termination. The

intervening period from July 01, 2010 till the date of resumption of duties will be treated as leave without pay and without any financial benefits, whatsoever.”

8. It may be mentioned that the Board of Directors of P.I.A.C. in the 363th meeting held on 30.12.2014 rescinded the earlier decision taken in the 328th meeting held on 28.10.2010.

9. In 2011, P.I.A.C. again started the process for the verification of the educational testimonials of its employees. This was done after the Ministry of Defence, vide letter dated 16.03.2011, called upon the departments/organizations under the Ministry of Defence, including P.I.A.C., “*to get degrees/certificates/other documents of their employees (BPS-17 to BPS-22 or equivalent) verified by making a reference to the Universities/Institutions concerned which issued those degrees/certificates.*”

10. On 21.09.2015, the B.I.S.E., Lahore informed P.I.A.C. that the petitioner's matriculation certificate bearing Roll No.17634 was bogus. Consequently, P.I.A.C. issued the show cause notice dated 30.09.2015 to the petitioner wherein it was alleged that by submitting a bogus matriculation certificate, the latter had committed misconduct as defined in Section-II Clause 75(aj) of P.I.A.C. Employees (Service and Discipline) Regulations, 1985 (“the 1985 Regulations”). On 02.10.2015, the petitioner submitted the reply to the said show cause notice wherein he took the position that he was appointed in P.I.A.C. as Casual Worker on the basis of Middle pass educational standard and that he appeared in matriculation examination but had failed. The petitioner's said reply was evasive on the point as to whether he submitted the matriculation certificate declared bogus by the B.I.S.E., Lahore.

11. On 05.10.2015, the petitioner invoked the jurisdiction of N.I.R.C. by filing a petition under Section 54(e) of the I.R.A. for a direction to P.I.A.C. to refrain from committing an unfair labour practice by issuing the show cause notice dated 30.09.2015 to the petitioner. Vide the order dated 18.05.2017, the learned Member, N.I.R.C. disposed of the said petition with the direction to the management to hold a proper inquiry into the allegations levelled against the petitioner with a reasonable opportunity of defence and hearing to be provided to him before passing a final order.

12. Against the said order dated 18.05.2017, the petitioner preferred an appeal before the learned Full Bench, N.I.R.C on 11.01.2019. The said appeal was dismissed as time barred vide order dated 26.03.2019. The concurrent orders passed by the learned Member and the learned Full Bench, N.I.R.C. have been assailed by the petitioner in the instant petition, which was filed on 13.04.2019.

13. It is pertinent to mention that after the dismissal of the petitioner's petition by the learned Member, N.I.R.C., a regular inquiry was conducted against the petitioner. The inquiry report dated 10.08.2018 has been placed on record which shows that a notice of inquiry was issued to the petitioner on 23.07.2018. In response to the said notice, the petitioner appeared before the inquiry officer on 01.08.2018. The statement of the sole prosecution witness was recorded in the petitioner's presence. The petitioner, in his statement before the inquiry officer, denied having submitted a bogus matriculation certificate. The inquiry officer found the petitioner guilty of the charges /allegations levelled against him. A notice of personal hearing was issued to the petitioner on 27.12.2018. Thereafter vide the order dated 09.01.2019, the Chief Human Resource Officer of P.I.A.C. had passed an order regarding the petitioner's dismissal from service of P.I.A.C.

CONTENTIONS OF THE LEARNED COUNSEL FOR THE PETITIONER:-

14. Learned counsel for the petitioner, after narrating the facts leading to the filing of the instant petition, submitted that in the judgments reported as Pakistan International Airlines Corporation Vs. Tanweer-ul-Islam (PLD 2010 SC 676), Nighat Yasmin Vs. Pakistan International Airlines Corporation (2004 SCMR 1820), Anisa Rehman Vs. P.I.A.C. (1994 SCMR 2232), and Zafar Iqbal Vs. Pakistan International Airlines (2011 PLC (C.S.) 259), the 1985 Regulations had been declared as non-statutory; that since P.I.A.C. did not have any statutory rules, the petitioner could not have filed a writ petition before the High Court against the show cause notice issued to him; that the only remedy available to the petitioner was to have invoked the jurisdiction of N.I.R.C.; that since the petitioner was alleged to have secured appointment in P.I.A.C. on the basis of a bogus educational certificate, it was essential for P.I.A.C. to have conducted a regular

inquiry against the petitioner in accordance with the provisions of the West Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance, 1968 ("the 1968 Ordinance"); that the petitioner could not have been proceeded against under the non-statutory 1985 Regulations; that in the order dated 21.08.2015 passed in the case titled "*Tanveer Riaz Abbasi etc. Vs. Pakistan International Airlines Corporation, etc.*," the learned Member, N.I.R.C. had held that a regular inquiry under the provisions of the 1968 Ordinance cannot be dispensed with where the allegation against an employee is that he had submitted a bogus degree in order to secure employment; and that the learned Member, N.I.R.C. did not take the import of the said order dated 21.08.2015 into account while dismissing the petitioner's petition under Section 54(e) of the I.R.A.

15. Furthermore, it was submitted that the learned Member and the learned Full Bench of N.I.R.C. erred by not appreciating that the petitioner's services were regularized after the verification of his educational testimonials; that the petitioner was appointed as casual worker on the basis of middle pass education; that the petitioner was victimized by the management of P.I.A.C. on account of being an active member of a trade union; that in the order dated 04.12.2015 passed by this Court in writ petition No.3258/2015, it was observed that P.I.A.C. could re-employ the employees who had submitted bogus educational certificates if their services were beneficial to P.I.A.C.; that the petitioner was condemned unheard since he was not afforded an adequate opportunity by the inquiry officer to defend himself; and that the petitioner had not submitted any bogus educational certificates in order to gain employment in P.I.A.C. Learned counsel for the petitioner prayed for the writ petition to be allowed and for the concurrent orders passed by the learned Member and the learned Full Bench, N.I.R.C. to be set-aside.

CONTENTIONS OF THE LEARNED COUNSEL FOR P.I.A.C.:-

16. On the other hand, learned counsel for P.I.A.C. submitted that the petitioner has failed to comply with the mandatory requirement of serving a grievance notice on P.I.A.C. before filing a petition before N.I.R.C.; that since the petitioner was found to have committed misconduct by submitting bogus educational certificates in order to

gain employment in P.I.A.C., he does not deserve any indulgence in the Constitutional jurisdiction of this Court; that P.I.A.C. has not violated any law by conducting an inquiry against the petitioner; and that the concurrent orders passed by the learned Member and the learned Full Bench of N.I.R.C. do not suffer from any illegality or jurisdictional error.

17. Furthermore, he submitted that the letter dated 21.09.2015 from the B.I.S.E., Lahore informing P.I.A.C. that the petitioner's matriculation certificate was found to be bogus has not been recalled at any stage; that the petitioner's reply to the show cause notice dated 30.09.2015 was evasive; that the petitioner assailed the show cause notice before the N.I.R.C. and obtained interim relief; that the petitioner had abused the process of the Court in an attempt to perpetuate an illegality; that a notice of inquiry was issued to the petitioner on 23.07.2018; that during the inquiry, the petitioner chose not to produce evidence in his defence or to cross-examine the witness against him; that all the requirements under 1968 Ordinance were fulfilled while holding a regular inquiry against the petitioner; that the inquiry officer, in his report dated 10.08.2018, has found the petitioner guilty of committing misconduct; and that after affording an opportunity of personal hearing, the petitioner was dismissed from P.I.A.C.'s service. Learned counsel for P.I.A.C. prayed for the writ petition to be dismissed.

18. I have heard the contentions of the learned counsel for the contesting parties and have perused the record with their able assistance.

19. The facts leading to the filing of the instant petition have been set out in sufficient detail in paragraphs 3 to 13 above, and need not be recapitulated.

20. The petitioner is seeking the issuance of a writ of *certiorari* under Article 199(1)(a)(ii) of the Constitution with respect to the impugned orders passed by the learned Member and the learned Full Bench of N.I.R.C. *Certiorari* is an order which brings up to the High Court a decision of an inferior Court or Tribunal for it to be quashed. A decision of an inferior Court or Tribunal may be quashed by issuing a writ of *certiorari* where that Court or Tribunal acted without jurisdiction, or

exceeded its jurisdiction, or failed to comply with the rules of natural justice in a case where those rules are applicable, or where there was an error of law on the face of the record, or a decision is unreasonable in the *Wednesbury* sense. However, this Court will not, in exercise of writ jurisdiction, act as a Court of appeal from the Court or the Tribunal concerned. This Court cannot substitute its decision for the one taken by the inferior Court or Tribunal. Where this Court quashes a decision, it has the power to remand the matter to the Court, Tribunal or the authority concerned with a direction to reconsider it and to reach a decision in accordance with the judgment given by this Court while deciding a writ of *certiorari*. In the case of Chief Constable of North Wales Police Vs. Evans [1982] 3 All ER 141, Lord Hailsham L.C. held that it is important to remember in every case that the purpose of the remedy of judicial review is to ensure that the individual is given fair treatment by the authority to which he has been subjected and that it is no part of that purpose to substitute the opinion of the judiciary or of individual judges for that of the authority constituted by law to decide the matters in question. Additionally, in the said case, Lord Brightman held that if the Court were to attempt itself the task entrusted to that Court or Tribunal or authority by the law, the Court would, under the guise of preventing the abuse of power, be guilty itself of usurping power.

21. Bearing the above referred principles in mind, what this Court needs to determine is whether the concurrent orders of the learned Member and the learned Full Bench, N.I.R.C. were such as would justify the issuance of a writ of *certiorari*. These Tribunals had concurrently dismissed the petitioner's challenge to the notice dated 30.09.2015 issued by P.I.A.C. calling upon the petitioner to show cause as to why disciplinary action should not be taken against him for committing misconduct by violating Section-II Clause 75(aj) of the 1985 Regulations. The said clause is reproduced herein below:-

"75(aj): Giving false information regarding name, age, father's name, educational or professional qualification, previous service or experience or anything relating to record of service at the time of joining of the service or at any other time during service of the corporation."

22. The said show cause notice was issued to the petitioner after the B.I.S.E., Lahore, vide letter dated 21.09.2015, informed P.I.A.C. that his

matriculation certificate was bogus and not issued by the said Board. In the said show cause notice, it was clearly mentioned that the petitioner's matriculation certificate bearing Roll No.17634 had been found to be bogus. After submitting a vague reply to the said show cause notice, the petitioner filed a petition under Section 54(e) of the I.R.A. wherein it was pleaded *inter-alia* that he was appointed on the basis of middle pass educational standard and he appeared in matriculation but had failed.

23. It is not disputed that in terms of P.I.A.C.'s circular/internal advertisement dated 27.01.2004, an applicant was required to have the qualification of matriculation for appointment as Junior Technician in the Precision Engineering Department of P.I.A.C. The petitioner, in his application form, claimed to be a matriculate from Government High School Ban Bajwa District Sialkot. After the B.I.S.E., Lahore, in its letter dated 21.09.2015, informed P.I.A.C. that the petitioner's matriculation certificate was bogus, P.I.A.C. was fully justified in issuing the show cause notice dated 30.09.2015 to the petitioner.

24. P.I.A.C. cannot be said to have acted without lawful authority by carrying out a process for the verification of its employees' educational certificates especially if such certificates were submitted by the employees in order to gain employment or any other service benefit in P.I.A.C. Additionally, after being informed by the B.I.S.E., Lahore that the petitioner's matriculation certificate was bogus, it was nothing but just and reasonable for P.I.A.C. to have issued the show cause notice dated 30.09.2015 to the petitioner. The issuance of the said show cause notice in such circumstances cannot be termed as an unfair labour practice. In paragraphs 19 and 23 of the judgment in the case of Saeed Ahmad Vs. Chairman O.G.D.C.L. (2020 PLC 27), this Court had the occasion to hold as follows:-

 "19. Framing of charges, conducting enquiry, issuing show-cause notice and taking action after enquiry are the various stages of continuous process of disciplinary proceedings. Disciplinary proceedings once initiated must reach the finality, culminating in imposing punishment or exonerating the delinquent. Testing each stage of the proceeding as to whether they are in conformity with the norms as laid down would be an unwarranted judicial interference in the domain of disciplinary authority by the N.I.R.C. Compliance of the norms laid down under the disciplinary rules can be examined when the process culminates in a penal action causing injury to the delinquent. Non-observance of norms at various stages may vitiate the

ultimate action of imposition of a penalty or exoneration, as the case may be."

"23. The Management of any Organization is well within its rights to issue such a circular, and to verify the authenticity and genuineness of the educational testimonials of all its employees whether such testimonials were submitted by the employees in order to gain employment or subsequently in order to gain service benefits. In the event after such a verification process it is found that the educational certificates submitted by the employee to the employer, were not genuine, the employer can proceed departmentally against such an employee. The initiation of such a departmental/disciplinary process by an employer against an employee can hardly be termed as an unfair labour practice. Even the N.I.R.C. in numerable cases have taken the view that initiation of disciplinary proceedings is a routine matter for an industrial or a commercial establishment and it does not lead to any presumption of unfair labour practice. An employer is duty bound to initiate disciplinary proceedings in cases of delinquencies because the maintenance of discipline is the sole responsibility of the employer. Even if there is an illegality or an irregularity in the charge sheet or a show cause notice or an explanation letter, it would come within the ambit of an unfair labour practice. The N.I.R.C. has also consistently held that if an action is taken against a defaulting worker on account of his misconduct, he cannot take shelter under the trade union activities."

25. Additionally, in the case of Muhammad Aslam Khan Vs. International Industries Limited (2007 PLC 350), it was held by the Hon'ble High Court of Sindh that it could be said with certainty that initiating disciplinary proceedings against a worker on account of misconduct is a legal right of the employer, and that the employer cannot be restrained from exercising his right unless extraordinary exceptional circumstances are placed before the Court. Furthermore, it was held that the labour laws provide an adequately efficacious remedy to a worker against wrongful, illegal and arbitrary dismissal, and after adjudication he can be reinstated and/or compensated.

26. No benefit can be gained by the employees of P.I.A.C., who had secured appointments in P.I.A.C. for themselves on the basis of forged educational certificates or lack of the requisite qualifications, by the decision taken either by the Board of Directors or the Employees Leadership Team of P.I.A.C. to grant two years to such employees to come up with genuine educational certificates. This is because this Court in its order dated 12.06.2015 passed in writ petition No.4064/2014 titled "Mansoor Khan Vs. Pakistan International Airlines" deprecated the practice adopted by P.I.A.C. of allowing employees who had submitted forged degrees/certificates to re-join their service,

and termed it as an illegality. This Court had also issued directions to P.I.A.C. to initiate departmental proceedings against the employees who had been accommodated by illegal exercise of power. For the purposes of clarity, paragraphs 5 and 6 of the order dated 12.06.2015 are reproduced herein below:-

"5. The petitioner on the basis of similar relief granted to others requested for issuing direction to replace the degree of the petitioner. Admittedly, the petitioner was employed in the year 2008 whereas degree he wants to replace was obtained in the month of January, 2014. The petitioner moved such application which was turned down. He has also claimed relief on the basis of discriminative conduct. It is explicitly clear from the record referred by the learned counsel for the petitioner that those who submitted forged degrees/certificates were allowed to re-join PIA service. Two wrongs or many wrongs cannot create a reason for another wrong. If some one has been favoured, it does not mean that on the same pattern the petitioner must be accommodated considering it as a discrimination. The very requirement of the article 25 of the Constitution of the Islamic Republic of Pakistan, 1973 relates to legality of such process or relief claimed on the basis whereof. If any order or favour is provided to anybody based upon illegality, the petitioner cannot claim such a relief as justifiable or equality. Hence the petition being meritless is dismissed.

6. The above conduct, which is continuing since many years by the authorities of respondents appear to be an offence. Office is directed to refer all those letters to the Chairman PIA with specific direction to initiate departmental proceedings against the officials/officers those accommodated and were accommodated by exercising their powers illegally. The matter pertains to conduct of public servants which is committed conjointly are required be referred to the concerned agency for registration of criminal case. The Chairman PIA may look into the matter personally, who is also required to issue direction to the respective departments for verification of degrees of all concerned officials/officers. Criminal cases as defined by section 5(2) of the Prevention of Corruption Act which is scheduled offence is required to be registered against all the responsible officials/officers."

27. The fact that it took several years for P.I.A.C. to get the petitioner's matriculation certificate verified does not improve his case in any way. The vital question that needs to be determined is whether the petitioner had the prescribed qualification of matriculation at the time when he was appointed as a Junior Technician in response to the circular dated 27.01.2004. If he did not have the said prescribed qualification, his appointment would be rendered *non-est*. The unlawful nature of such appointment cannot be rectified or cured by obtaining the required qualifications after the appointment. Reference in this regard may be made to the following case law:-

- (i) The Hon'ble Supreme Court in the judgment passed in Suo Motu Case No.13/2016 - Action against illegalities, contraventions and

violations in appointments within NAB (2017 SCMR 838), held inter alia as follows:-

"27. The contention that a person can obtain the requisite qualifications subsequently, that is after he had already joined the service of NAB is unsustainable. If this concept or principle is accepted it would render meaningless the stipulated qualification for a particular job."

- (ii) In the case of International Islamic University Vs. Dr. Shamim Tariq (2018 PLC (C.S.) Note 201), I had the occasion to hold as follows:-

"13. Now, it is well settled that a person who does not have the prescribed qualifications for appointment to a particular post, cannot be appointed to such a post. Such qualifications can be prescribed in the advertisement issued by the appointing authority or in the relevant rules of the establishment where the appointment is to be made. In the event, the candidate obtains the prescribed qualifications after his/her appointment would not make the appointment valid."

- (iii) In the case of Muhammad Muneer Malik Vs. Allama Iqbal Open University (2016 PLC (C.S.) 896), this Court has held as follows:-

"14. It is, therefore, axiomatic that the eligibility criterion and conditions, once unambiguously mentioned in an advertisement published in the Press, cannot be ignored, altered or deviated from during the selection process, particularly after the deadline for the submission of applications has expired. Appointments made in violation of the principles of transparency and fairness are illegal and not sustainable in law."

- (iv) In the case of Muhammad Waqas Gul Vs. Water and Power Development Authority (2015 PLC (C.S.) 144), the Hon'ble Lahore High Court dismissed the writ petition filed by the petitioners who did not have the prescribed qualifications of advertised posts on the date when the advertisement was published and on the last date for submitting applications. The mere fact that the petitioners had obtained the requisite qualifications after their appointment could not save their writ petitions from being dismissed.

- (v) In the case of Mst. Shugafta Vs. Chairman, Federal Public Service Commission, Islamabad (2015 PLC (C.S.) 819), the Division Bench of the Hon'ble Balochistan High Court held that it was the prerogative of the government to prescribe the requisite qualification for a particular post. Furthermore, it was held that the eligibility of a candidate is to be determined in accordance with the advertisement for the post keeping in view the stipulated

requirements. A petitioner, who did not have the requisite qualifications prescribed in the advertisement for appointment against a certain post was held not to be eligible, and therefore could not be termed as an 'aggrieved person'.

- (vi) In the case of Mitha Khan Umrani Vs. Federation of Pakistan (2014 PLC (C.S.) 571), the Division Bench of the Hon'ble Balochistan High Court quoted with approval the judgment passed in C.P.No.738/2012 titled "Shazia Vs. Government of Balochistan," wherein it was held that eligibility of a candidate had to be determined in accordance with the advertisement for the post, the service rules governing the appointment and any instructions backed by the law and rules framed thereunder. Furthermore, it was held that a non-qualified person cannot be appointed to a particular post and that appointment could not be made in violation of the requisite qualification.
- (vii) In the case of Abdul Latif Vs. Government of Punjab (2003 PLC (C.S.) 975), writ petitions filed by the petitioners who admittedly lacked the required qualifications for the advertised posts were dismissed by the Hon'ble Lahore High Court. In paragraphs 9 and 10 of the said report, it was held as follows:-

"9. The petitioners admittedly do not possess Degree of M.A. or M.Sc. Petitioner No.3, possesses B.A. Degree while the remaining petitioners possess B.Sc. Degree. Although they do possess the requisite professional Degree viz M.A.Ed. but requirement for the post applied by them was also that of an Academic Degree of M.A., M.Sc. which they admittedly do not possess; hence they cannot be deemed to possess the requisite qualification for the post applied for by them i.e. S.S. Educators, basic qualification for which was M.A. or M.Sc. with Additional Qualification of a Professional Degree.

10. Direction in writ jurisdiction cannot be, therefore, issued to the respondents to consider the petitioners' qualification fit for the post they have applied for and to interview them."

- (viii) In the case of District Collector Vs. M. Tripura Sundari Devi, (1990 (3) SCC 655), the Indian Supreme Court held that when the advertisement mentions a particular qualification and an appointment is made in disregard thereof, it is not a matter only between the appointing authority and the appointee concerned but the aggrieved are those who had similar or even better qualifications than the appointee.

28. Whether the petitioner gained employment in P.I.A.C. on the basis of the bogus educational certificate is to be determined not by this Court but in the inquiry proceedings pursuant to the show cause notice dated 30.09.2015. Documents have been brought on record which show that the petitioner had been issued a notice on 23.07.2018 to appear before the Inquiry Officer on 27.07.2018. On 01.08.2018, the petitioner appeared before the inquiry officer and recorded his statement but chose not to produce any evidence in his defence. The statement of the prosecution witness was recorded in the petitioner's presence but he chose not to cross-examine him. The said inquiry proceedings culminated in petitioner's dismissal from service vide the order dated 09.01.2019. Even though this petition was filed after the said order dated 09.01.2019, the petitioner chose not to assail the said order in this petition.

29. As for the contention of the learned counsel for the petitioner that in the order dated 04.12.2015 passed by this Court in writ petition No.3258/2015, it was observed that P.I.A.C. could re-employ the employees who had submitted bogus educational certificates if their services were beneficial to P.I.A.C., suffice it to say that said contention is based on a selective reading of the said order. In the said order, this court had held in no uncertain terms that the services of the employees whose educational certificates had been found to be fake could neither be continued nor could their services be regularized. Furthermore, it was held that such employees could not have been given an opportunity to rectify the illegality of submitting fake educational certificates in order to gain employment in P.I.A.C. It was also directed that the salaries of the employees who were appointed on the basis of fake educational certificates should be recovered from them. For the purposes of clarity, paragraphs 10 to 12 of the said order are reproduced herein below:-

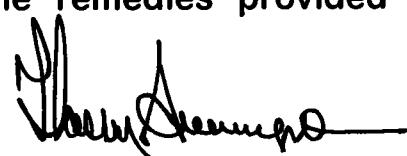
"10. However, the authority may by exercising its discretionary powers, if vested in it, under the rules or any other law may re-employ those persons whose certificates were found fake on scrutiny and verification but neither services of those employees can be regularized or continued nor the authority has power to provide them opportunity to rectify such illegality existing in the field. Providing such opportunity to any of the employees is beyond the powers of such authority, hence, not exercisable and cannot be covered as legal under the garb of any stretch of imagination.

11. In view of above discussion, this petition is disposed of with the directions to the authorities to review all those cases and same be treated in accordance with law. The authorities may re-employ them if their services are beneficial to the department but such practice of regularizing services based upon illegal foundation cannot be continued.

12. On the contrary, the authorities or members of the Board who initiated such decision, have committed serious criminal misconduct which should be dealt in accordance with law. The salaries drawn by the employees, appointed on the basis of fake certificates should be recovered from them. The officers who are involved in granting such relaxation by taking a lenient view are clearly liable for such act which is deemed to be an offence provided under the law."

30. Although learned Full bench N.I.R.C., vide the impugned judgment dated 26.03.2019, dismissed the petitioner's appeal on the ground of limitation but the learned counsel for the petitioner did not make any submission on this aspect of the case. That being so, there is no occasion for interference with the order of the learned Full Bench, N.I.R.C. It is well settled that a Court or a Tribunal is bound to notice and consider the question of limitation irrespective of the fact whether or not it was agitated by the respondent. The question of limitation could not be waived, and even if waived could be taken up again by a party waiving it, and even by the Court itself. Law to this effect has been laid down in the judgments reported as 2007 SCMR 621, 2006 SCMR 170, 2003 SCMR 1815, and PLD 1985 SC 153.

31. For what has been said above, I find no substance in this petition, which is hereby dismissed. Having regard to the factual circumstances of this case, I am of the opinion that imposition of costs on the petitioner would sub-serve the interests of justice. Accordingly, it is ordered that the petitioner shall bear P.I.A.C.'s costs throughout. Should the petitioner be aggrieved by the final order passed in the inquiry proceedings, he may avail the remedies provided by law against such an order.



(MIANGUL HASSAN AURANGZEB)
JUDGE

ANNOUNCED IN AN OPEN COURT ON 24-8-2020



(JUDGE)

14.07.2020

To be heard along with W.P.
No.224/2019.



(MIANGUL HASSAN AURANGZEB)
JUDGE

16.07.2020

To be heard along with W.P.
No.224/2019.



(MIANGUL HASSAN AURANGZEB)
JUDGE

21.07.2020

To be heard along with W.P.
No.224/2019.



(MIANGUL HASSAN AURANGZEB)
JUDGE

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

W.P.No.1448/2019

Maqsood Ahmed

Vs.

Full Bench of N.I.R.C. and others

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	06.07.2020	

To be heard along with W.P.
No.86/2019.



(MIANGUL HASSAN AURANGZEB)
JUDGE

Sanaullah

08.07.2020:

To be heard along with W.P.
No.86/2019.



(MIANGUL HASSAN AURANGZEB)
JUDGE

Sanaullah

09.07.2020

To be heard along with W.P.
No.116/2019.



(MIANGUL HASSAN AURANGZEB)
JUDGE

10.07.2020

To be heard along with W.P.
No.224/2019.



(MIANGUL HASSAN AURANGZEB)
JUDGE

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

W.P.No.1448/2019

Maqsood Ahmed

Vs.

Full Bench of N.I.R.C. and others

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	21.05.2019.	

To be heard along with W.P.
No.86/2019.



(MIANGUL HASSAN AURANGZEB)
JUDGE

Sanaullah

13.06.2019:

To be heard along with writ
petition No.86/2019.



(MIANGUL HASSAN AURANGZEB)
JUDGE

Sultan*

08.07.2019

To be heard along with W.P. No.86/2019.



(MIANGUL HASSAN AURANGZEB)
JUDGE

Sanaullah

09.07.2019.

To be heard along with W.P.
No.86/2019.



(MIANGUL HASSAN AURANGZEB)
JUDGE

Sanaullah

06.08.2019

To be heard along with W.P. No.86/2019.



**(MIANGUL HASSAN AURANGZEB)
JUDGE**

Sanaullah

03.10.2019:

To be heard along with writ
petition No.86/2019.



**(MIANGUL HASSAN AURANGZEB)
JUDGE**

Sanaullah*

14.11.2019:

To be heard along with writ petition
No.86/2019.



**(MIANGUL HASSAN AURANGZEB)
JUDGE**

17.12.2019.

To be heard along with W.P.
No.86/2019.



**(MIANGUL HASSAN AURANGZEB)
JUDGE**

13.02.2020

To be heard along with W.P.
No.86/2019.



**(MIANGUL HASSAN AURANGZEB)
JUDGE**

ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P. No.1448/2019

Maqsood Ahmed

Versus

Full Bench of National Industrial Relations Commission and others

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	16.01.2019	Mr. Abdul Hafeez Amjad, Advocate for the petitioner.

Through the instant writ petition, the petitioner, Maqsood Ahmed, impugns the judgment dated 26.03.2019, passed by the learned Full Bench of the National Industrial Relations Commission (“N.I.R.C.”), whereby the petitioner’s appeal against the order dated 18.05.2017, passed by the learned Member, N.I.R.C., was dismissed. Vide the said order dated 18.05.2017, the learned Member, N.I.R.C., disposed of the petitioner’s grievance petition under Section 54(e) of the Industrial Relations Act, 2012 (“I.R.A.”) with the observation that the petitioner’s employer act of dispensing with an enquiry was illegal and against the fundamental rights as guaranteed under the law. Furthermore, the petitioner’s employer was directed to provide a reasonable opportunity of defense to the petitioner in terms of Section 15(4) of the West Pakistan Commercial and Industrial Standing Order Ordinance, 1968.

Learned counsel for the petitioner submitted that the petitioner was ready to submit himself to an enquiry in accordance with the law; that at no material stage did the petitioner submit any bogus educational testimonials to his employer; and that it was obligatory on the part of the petitioner’s employer to have conducted an enquiry against the petitioner regarding the

**allegation of the submission of fake educational
testimonials.**

Issue notice to respondent No.3.

Re-list along with writ petition No.86/2019.

C.M. No.1/2019

**Notice. Until the next date of hearing,
respondent No.3 is restrained from passing a final
order against the petitioner without holding an
enquiry as directed by the learned Member,
N.I.R.C. The petitioner shall participate in the
enquiry proceedings conducted against him.**

C.M. No.2/2019

**Exemptions sought for is allowed subject to
all just and legal exceptions.**



**(MIANGUL HASSAN AURANGZEB)
JUDGE**

*Ahtesham**



14388
S. No. _____

Islamabad High Court Bar Association

Islamabad

Date. 13 . 04 - 19

Receipt

RECEIVED With Thanks RS.100 (One Hundred Only) on Account of

Bar WELFARE FUND in the case titled _____

Vs. _____

Makrood Ahmed

Rafique
Secretary

ISLAMABAD HIGH COURT ISLAMABAD

15-04-2019

To be Heard on

Mr Justice Miangul Hassan

Ahmed Sabir

Deputy Registrar

To

THE DEPUTY REGISTRAR
ISLAMABAD HIGH COURT
ISLAMABAD

W.P.No. 1448 /2019.

Title case

Petitioner

Appellate

Versus

Fair Bench of NIRC by 8thics Respondent

Note:- That identical W.P.No. 116 /2019
and W.P. No 86 /2019. are pending before His Lordship Mr Justice Mian
Gul sir, Aurangzeb, kindly fix it before the same court.

15/04/2019

Will you kindly treat the accompanying petition as an urgent one in
accordance with the Provision of Rule 9, Chapter 3-A, Rules and Order of the
High Court Islamabad Volume V,

The Grounds of Urgency are:

My Application for Restoring
the Management from passing
from service -
dismissal order against
Petitioner.

Noted for

15-04-2019

AN
B104/09

Fixed to Day-Till	11:00 A.M
D No	7014
13-4-19	
A. Registrar (JUDL)	

Your Obedient Servant

0300-5541707

(ANNEXURE-A)

ISLAMABAD HIGH COURT, ISLAMABAD

INSTITUTION FORM

Case category & No.	Co. # NO.	1448	20 19-
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Magnor Shred VERSUS *Fair Bench of NRC Soties*

Suit Value (if any)	- 500 = Indemnity of \$6.30
Department (against whom relief is sought) if applicable	<i>FACT</i> • <i>J. Full Bench</i> <i>10/29</i>

Courts History

1st Court Filing Date		Decision Date	<u> </u>
Name & Designation:			
2nd Court Filing Date		Decision Date	
Name & Designation:			
3rd Court Filing Date		Decision Date	
Name & Designation:			

Advocate

e.g.

Matter: Family
Sub-matter:- (Maintenance)

Matter: Service
Sub-matter:- (Promotion)

Navatake
Erg
Hui
Soul of Free Japan
Adv: Supreme Court

BEFORE THE ISLAMABAD HIGH COURT,
ISLAMABAD

W.P No. 1448 / 2019

Maqsood Ahmed

VERSUS

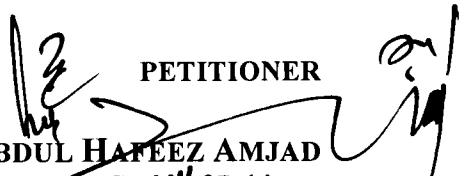
Full Bench of National Industrial Relations Commission and others

CONSTITUTIONAL PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN

INDEX

S.NO.	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGE NO.
1.	MEMO OF WRIT PETITION WITH AFFIDAVIT.		01-07
2.	COPY OF PETITION WITH DOCUMENTS	“A”	08-15
3.	WRITTEN REPLY	“B”	16-18
4.	COPY OF IMPUGNED ORDER DATED 18-05-2017	“C”	19-22
5.	MEMO OF APPEAL BEFORE RESPONDENT NO.1	“D”	23-27
6.	COPY OF IMPUGNED ORDER DATED 26-03-2019	“E”	28-30
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8.	EXEMPTION APPLICATION WITH AFFIDAVIT		33-34
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Through

 PETITIONER

ABDUL Hafeez AMJAD
Advocate Supreme Court of Pakistan

 MOHSIN ALI ABBASI
ADVOCATE HIGH COURT

BEFORE THE ISLAMABAD HIGH COURT,
ISLAMABAD

W.P No. 1448 / 2019

Maqsood Ahmed son of Umar Deen, P-No. 53910, Senior project technician, Pakistan International Airlines Company Limited.

...PETITIONER

VERSUS

1. Full Bench of National Industrial Relations Commission, G-5, Islamabad.
2. Member National Industrial Relations Commission, Karachi.
3. **Pakistan International Airlines Company Limited**, through its Director HR Coordination, PIACL Head Office, Karachi Airport Karachi.

...RESPONDENTS

CONSTITUTIONAL PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN

The Petitioner respectfully submits as under:

Filed to-Day-Till	11:00 A.M.
O No.....	2014
	13.4.18
Assistant Registrar (IUDL)	

1. That the petitioner approached the bench of the commission at Karachi through petition No.4-A(352)/2015-K on the basis of show cause notice issued to the petitioner containing the allegation of submission of forged degree, the allegations were vehemently denied

by the petitioner in his reply but since the respondent management was acting in a manner calculated towards occurrence of unfair labour practice and without any due process of law made various dismissals and terminations of the employees therefore the petitioner under the strong apprehension of victimization prayed to the court to protect his services from the dismissal and removal illegally and without any process of law, copy of the petition along with all relevant documents relied upon are enclosed as **Annexure-“A”**, written statement was filed Copy enclosed as **Annexure-“B”** and after formal hearing, the learned trial bench of the commission vide order dated 18-05-2017 dismissed the petition, copy of the impugned order is enclosed as **Annexure-“C”**.

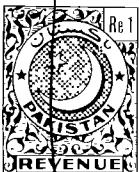


2. That being aggrieved by the order, the petitioner as required under the law preferred an appeal No.12(69)/2019-K, before the Respondent No.1 Copy enclosed as **Annexure-“D”** and the as per direction of the honourable Islamabad High Court Islamabad respondent No.1 decided the faith of the appeal vide order dated 26-03-2019, Copy enclosed as **Annexure-“E”**.
3. That the petitioner has no other alternate and expeditious remedy available to him except by invoking the constitutional jurisdiction of this honourable court, hence this petition on the following amongst other grounds:

GROUND:-

- a. That both the Impugned Orders dated: 18-05-2017 & 26-03-2019 are illegal, unjust, without lawful authority.
- b. That the most unfortunate aspect of the matter is that every individual/ aggrieved employee has his own facts of the case having

different merits but the respondent No.1 listed all the appeals together and without considering different facts involved, decided all the appeals in bulk, this trial of the respondent No.1 seriously effected the merits of the case of the petitioner and therefore the petitioner can safely state that neither the facts and documents were taken into consideration nor proper appreciation was extended by the respondent No.1 therefore the petitioner can claim that he stands totally condemned unheard at all forums because the management failed to hold inquiry, the trial court failed to record evidence and the full bench failed to consider the merits and material available on record as such the complete process is nullity in the eyes of law.



- c. That both the court below completely failed to appreciate that the certificate / Degree of the petitioner is genuine and duly verified by the management as the management far back in 2018 extended two years period for submission of genuine degrees, therefore again issuance of show cause with the same allegation not only amounts to double juperdi but is most authentic and justified source of apprehension for causing injury to the employment of the petitioner by way of dismissal, discharge, removal and termination from services, which is also basic element of unfair labour practice.

- d. That in a similar case the honourable court passed an order directing the relevant board to verify the degree of an individual and the board in response addressed to the court and confirmed the genuiness of the degree, but this aspect was also ignored by the court below, which also resulted into miscarriage of justice to the petitioner along with others.

e. That the respondent No.1 has based the decision on the ground of maintainability of the petition for want of element of unfair labour practice and has observed that issuance of show cause notice does not mature the grievance and it has further been held that the rules of the organization are non statutory and if any action so required is to be taken shall be in accordance with the provisions of west Pakistan commercial and industrial standing order ordinance of 1968, the respondent No.1 failed to appreciate that the basic show cause has been issued under the non statutory rules of the organization and in view of the decisions of the superior courts, the complete process under the non statutory rules are to be vitiated which also includes the show cause as such confirming the show cause of non statutory rules and allowing the other action to be taken under the standing order ordinance is a contradictory view having no force law behind, the respondent No.1 should have also vitiated the show cause notice having been issued under the non statutory rules and regulation of the organization, this legal aspect of the matter has rendered the impugned decision as nullity in the eyes of law.



f. That admittedly, the single bench of the commission is court of original jurisdiction and is required under the law to conduct the trial of the case in a manner to afford fair opportunity requiring the aggrieved person to lead his evidence to prove what he pleads but unfortunately, the honourable member completely ignored this aspect, knowingly that the issues of the subject matter without recording evidence cannot be resolved and no proper defence opportunity will be given and the aggrieved person will stand

condemn unheard, this is what exactly happened in the instant case and the trial bench of the commission without recording evidence arrived at conclusion based upon surmises and conjunctures which resulted into mis carriage of justice.

- g. That the learned member completely failed to appreciate the decision of Islamabad High Court in particular and also mis interpreted and mis used the observations/directions of the honourable supreme court of Pakistan dated 7-12-2018 passed in human rights case No. 8645/2018 which is binding and it was directed by the honourable supreme court of Pakistan to requisition all cases pending adjudication before any legal forum so that they may be examined by this court which shall decide whether they opt to be decided by this court or appropriate order for early disposal be passed, relist on 24-12-2018, the impugned order dated 18-12-2018 infact is in conflict with this order therefore is not sustainable in the eyes of law as yet structure is to be passed by the honourable supreme court of Pakistan.
- h. That no doubt that holding of inquiry is right of employer but if the employer do not do so and a court of law refuses on the basis of not interfering in the inquiry proceeding, is it not a view having no legal value because the employer gives in writing that the competent authority has decided not to hold inquiry and the honourable judge sitting observes that he cannot interfere in the inquiry, this erroneous conclusion is sufficient to set aside the impugned order.

- i. That since no evidence has been recorded therefore no findings on factual controversy can be given therefore the observation of the trial



court that no case of unfair labour practice is made out is also without any force of law behind and the appellants can legally claim to be afforded with the opportunity of defence.

- j. That besides there are many other illegalities and irregularities on the basis of which also both the Impugned Orders dated: 31-12-2018 & 26-03-2019 merits to be set-aside forthwith.

PRAYER:-

It is, therefore, respectfully prayed that this honorable court may kindly be please pass following orders:

- i. That declaring the Impugned Orders dated: 18-05-2017 & 26-03-2019 as illegal, unlawful and beyond the scope of pleadings.
- ii. That in consequence where of the action taken, proceedings initiated under the provisions of non statutory rules of the organization be declared as vide ab initio.
- iii. Any other relief deems fit and proper in the circumstances of the case may also be granted.

Through

Musfaq Ahmad
PETITIONER
3
ABDUL HAFEEZ AMJAD
Advocate Supreme Court of Pakistan
MOHSIN A. ABBASI
ADVOCATE HIGH COURT

VERIFICATION:-

Verified on oath this 4th day of April, 2019 that the contents of Para no. 01 to 04 are true and correct to the best of my knowledge and belief and nothing relevant has been concealed therefrom.

Musfaq Ahmad
PETITIONER

LIST OF BOOK:

1. The Constitution of Islamic Republic of Pakistan.
2. IRA, 2012.
3. West Pakistan Commercial and Industrial Standing Orders Ordinance 1969.

CERTIFICATE:-

Certified that this is the first writ petition after order dated 26-03-2019, and no petition was earlier filed either in this court or in any other court of law including apex court.

Musfaq Ahmad
PETITIONER

13/4/19
S

**BEFORE THE ISLAMABAD HIGH COURT,
ISLAMABAD**

W.P No. 1448 / 2019

Maqsood Ahmed

VERSUS

Full Bench of National Industrial Relations Commission and others

**CONSTITUTIONAL PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN**

AFFIDAVIT



"That the contents of above mentioned writ petition are true and correct to the best of my knowledge and belief and nothing relevant has been concealed there from".

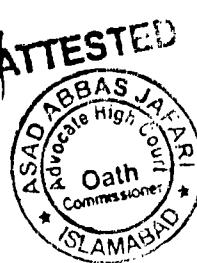

DEPOVENT

This Affidavit Has Sworn

Before me on this 2 APR 2019

Ay of 20, 2019, the deponent Maqsood Ahmed personally

knows that the document
certified by Asad Abbas Jafari the Commissioner
of the aforesaid Court on the date of 2 APR 2019
explaining the same to him and
undersigned before me
Serial No. 1448



**Oath Commissioner
Asad Abbas Jafari
Advocate High Court
Islamabad**

**BEFORE THE HONOURABLE NATIONAL INDUSTRIAL
RELATION COMMISSION, AT KARACHI**

Case No. 4H()/2015-K
24()/2015-K

Mr. Maqsood Ahmed S/O
Umer Deen,
Permanent workman working as Senior Project Technician
with Staff No.53910 in Precision Engineering Department &
Active Member of Air League of PIA Employees (CBA)
C/O 25, Al-Amna Plaza, 2nd Floor,
M.A Jinnah Road,
Karachi.....Petitioner

Versus

1. M/S Pakistan International Airline Corporation,
P.I.A Head Office Building,
Jinnah Terminal, Karachi Air Port,
Karachi through its Chief Executive
2. The General Manager (SITE),
Precision Engineering Department,
M/S Pakistan International Airline Corporation,
PIA Head Office Building,
Jinnah Terminal, Karachi Airport,
Karachi.....Respondents

APPLICATION UNDER SECTION 54 (E)
READ WITH SECTION 57 (2) C OF THE
INDUSTRIAL RELATION ACT, 2012

The petitioner above named respectfully submits as under;

1. That the petitioner is permanent workman in accordance with Industrial & Commercial Employment (Standing Orders) Ordinance, 1968 as well as under the provision of Industrial Relation Act, 2012 and performing their specific duties in the respondent Corporation since March 1994 continuously. The petitioner was appointed by the respondent Corporation on daily wages basis in the month of March, 1994 in the capacity of Casual Worker thereafter the respondent establishment offered the applicant to appoint him in the respondent establishment on contract basis on the post of Junior Technician in Pay Group II in Precision Engineering Department and the respondent establishment have been issued letter of appointment vide dated 22.11.1995 as such the petitioner joined his duty on the same day, it is

M. I. Baker Siddique
STAMP VENDOR
G-14, Islamabad.

C.T.O.
Abdul Hafeez Amjad
Advocate Supreme Court of
Pakistan

further submitted that the petitioner has been submitted all required documents at the time of his appointment as daily wages employee as well as Contractual employee including his qualification certificates i.e. Middle Passed Certificate thereafter the respondent establishment have been promoted in Pay Group-III & permanently absorbed the services of the petitioner with effect from 01.07.2008 vide letter/ order dated September 01, 2008 and the respondent has been further promoted from Pay Group III to Pay Group IV with designation of Senior Project Technician, the copy of employment Card, the copies of verifications letters from police dated 29.03.1994, the copy of the offer letter for contractual employee dated 22.11.1995, the copy of appointment letter dated 22.11.1995, the copy of the letter regarding allotment of staff number, the copy of joining report dated 22.11.1995, the copy of the promotion letter dated 17.03.2006 from Pay Group-II to III, the copy of the letter dated 01.09.2008 regarding permanent absorption in the respondent Corporation, the copy of the letter dated 16.02.2009 regarding correction in the name of petitioner and copy of the promotion letter dated 07.07.2015 from Pay Group-III to IV are filed herewith and marked as Annexure A/1 & A/12.

2. That the petitioner is also active member of Air League of PIA Employees (CBA), which is a registered industry-wise trade union of workmen employed by the respondent Corporation with the Registrar of trade unions, National Industrial Relation Commission, NIRC, Islamabad.
3. That the petitioner being as active member of the CBA union, performed his constitutional duties to resolve the issues/ grievances of the members of the union time to time with the management of the respondent establishment.
4. That the petitioner has performed his duties in the respondent Corporation honestly, hardly and fairly on the directions of the officers of the respondents management and not a single complaint received by the management of the respondent against the petitioner during the entire period of his employment as such the respondent Corporation has been given various appreciation certificates, which are filed herewith and marked as Annexure A/13 to A/20.
5. That recently the members of the union working in Precision Engineering department, Karachi pointed out some serious grievances/ issues facing themselves as such the petitioner being as active member of the CBA union personally approached the officers of the respondent establishment to resolve the such grievances/issues with mutual

C.J.C.

Abdul Hafeez Amjad
Advocate Supreme Court of
Pakistan

understanding but the officers of the management given serious threaten to petitioner to stop the trade union activities immediately otherwise serious action will be taken against the petitioner as such the petitioner approached the higher management and informed them about the attitude of the officers but the higher management also given serious threaten to petitioner that immediately disown/ disaffiliated the union otherwise serious action including suspension, termination and dismissing the employment of the petitioner and suddenly the respondent has been illegally and unlawfully issued a alleged show cause notice to petitioner vide dated 30.09.2015 which has been served upon the petitioner as on 01.10.2015, in such show cause notice, the respondent has charged the petitioner that " the Matriculation Certificate bearing No. 04452 under Roll No.17634, Enrolment No. 75.ST.SP.863 submitted by the petitioner in respondent Corporation is declared Bogus by Board of Intermediate & Secondary Education Lahore", as such the petitioner has submits its reply vide letter 02.10.2015 to alleged show cause notice and stated that " the applicant has been submitted his educational documents i.e. Middle passed Certificate which is totally genuine and further stated that the petitioner has been appeared in Matriculation Examination but not cleared all the papers". But the respondent management further issued the serious threatened to petitioner for taking action against the petitioner due to his trade union activities, the copy of the alleged show cause notice dated 30.09.2015 issued by the respondent to petitioner and the copy of reply letter of the petitioner dated 02.10.2015 are filed herewith & marked as Annexure A/21 & A22 respectively.

6. That after serious threaten issued by the officers of the respondent management to petitioner, the respondent management started much more harassments, victimizations amongst the other active members of the petitioner's union including the applicant and have become more annoyed as stated above and become aggressive and have also threatened to teach the lesson to petitioner and other poor workers who are members of the petitioner's union with direction to dis-associate, dis-affiliate with the petitioner's union activities from their time to time and lastly they were given serious threaten with specific directions to dis-associate from the trade unions activities in future and in case, the petitioner and others active members not yield the desire demand of the respondent management they would be made target rather example due to alleged unlawful show cause issued to petitioner but dismissing, terminating, discharging, retrenching & transferring the services of all the active members of the union including the petitioner as such the petitioner seriously affected from the actions in respect of alleged so-called show cause notice/ threatens of

C.T.C.

Abdul Hafeez Amjad
Advocate Supreme Court of
Pakistan

the respondent on the basis of discrimination, victimization due to their trade unions activities as the very act of the respondents is indicative of the fact that it is every apprehension that unless this Honourable Commission intervened the management would in a position to implement the threats as apprehended by awarding any punishment on the basis of unlawful show cause notice including unlawfully transferring, terminating, discharging, dismissing just to cause harm to the petitioner and others poor workers/members of the union on the one hand and to crush the trade union on the other hand due to their lawful trade union activities being as active member/ office bearer of the union.

7. That this Honourable Commission vested with the power to safe guard the interest/ rights of promotion the trade union activities which is under serious jeopardized rather would be crushed badly unless restrained the respondents, its officials, servants, subordinates, representatives and agents and directing them to avoid the act of unfair labour practice as enumerated in the law by directing them to conduct their affairs and avoid the act of unfair labour practice being threatened and apprehended on the part of the respondent management.
8. That the actions taken or to be taken by the officers of the respondents are illegal, unlawful and calculated unfair Labour practice on the part of employer in accordance with Section 31 of the industrial Relation Act, 2012.
9. That this Honourable Commission fully competent to adjudicate the matter in accordance with law and restrain the respondents, their officers, persons connected directly or indirectly not to commit any further unfair Labour practice and restrain the respondents not to transfer, terminate, suspend, dismiss or change the terms & conditions of the employment of the petitioner in the interest of justice.

P R A Y E R

It respectfully prayed that this Honourable Commission may be pleased;

- i) To direct the respondent not to commit further any steps/ actions which are calculated as unfair Labour practice under the provision of the Industrial Relation Act, 2012.

G.T.C.
Abdul Hafeez Amjad
Advocate Supreme Court of
Pakistan

- ii) To restrain the respondents, their officers/ persons connected with them directly or indirectly not to change the terms & conditions of the employment of the petitioner as well as not to transfer, discharge, suspend, terminate or dismiss the petitioner from his service on the basis of unlawful alleged show cause notice dated 30.09.2015 till final disposal of this petition in the interest of justice.
- iii) To pass any other order/ orders or directions in the favour of the applicants as deem fit and necessary in the interest of justice.

Prayed accordingly,

Karachi

Dated. 05.10.2015

P E T I T I O N E R

VERIFICATION

I, Maqsood Ahmed S/O Umer Deen, Muslim, adult resident of Karachi do hereby state on oath that the contents of the main application explained to me in Urdu by my Learned Representative and I under stood the same as the same are true and correct to the knowledge & belief.

D E P O N E N T

I identified the named above deponent.

MUHAMMAD KHURSHEED
Representative of the Petitioners

Solemnly affirmed before me on oath at Karachi on this day of October 05, 2015 by the above named deponent, the deponent is identified to me by Mr. Muhammad Khursheed, Representative, who is personally known to me.

C O M M I S S I O N E R F O R T A K I N G A F F I D A V I T

C.I.C.
Abdur Hafeez Amjad
Advocate Supreme Court of
Pakistan

**BEFORE THE HONOURABLE NATIONAL INDUSTRIAL
RELATION COMMISSION, AT KARACHI**

Case No. 4A()/2015-K
24()/2015-K

Mr. Maqsood Ahmed.....Petitioner

Versus

M/S Pakistan International Airline Corporation & another.....Respondents

**APPLICATION UNDER REGULATION 32 (2) ©
OF N.I.R.C (P & F) REGULATIONS, 1973**

For & on behalf of the petitioner above named, it is respectfully Prayed that this Honourable Commission, on the consideration of facts and grounds stated in the accompanying affidavit and in the interest of justice may be pleased to restrain the respondents, their officers connected with them directly or indirectly from taking any adverse action in respect of the employment of the petitioner as well as restrain from taking any action including transferring, suspending, discharging, terminating, dismissing the service of the petitioner on the basis of unlawful show cause notice dated 30.09.2015 in the great interest of justice till disposal of main application.

Ad interim orders also solicited in the great interest of justice.

Prayed accordingly,

Karachi

Dated.05.10.2015

**REPRESENTATIVE OF
THE PETITIONER**

C.T.C.
Abdul Hafeez Amjad
Advocate Supreme Court of
Pakistan



Human Resource (Records)
HRA&C Department

Confidential

Ref: HR(R)/V.Cell/2015
Dated: 28th September, 2015

1664

To: DGM HR (PEC)

Verification of Documents

We have received verification status in respect of following employee of your department / division, vide letter No.1389-VCM, dated 21-09-2015 from Assistant/Deputy Controller (Records) Board of Intermediate & Secondary Education Lahore.

S No	Name	P.No.	Designation	Certificate	Status
1	Maqsood Ahmed	63910	Project Technician	Matric	Bogus

A copy of covering letter and Certificate from Assistant/Deputy Controller (Records) Board of Intermediate & Secondary Education Lahore are attached herewith. It is, therefore, requested to please take further necessary action as per rules of the Corporation.

Khalil-ur-Rehman
Manager
Human Resources (Records)

Encl: As above

CC. Director (HRA & C)
CC. GM HR (Management)

Room No. 60, PIA Head Office Building, Karachi Airport, Karachi
Tele: 021-99044531
Email: khilqipk@piac.com.pk

C.T.C.

Abdul Hafeez Amjad
Advocate Supreme Court of
Pakistan

150 Board Press 2,000 -17 -02-2015

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION, LAHORE

No. 2906 VCM

CONFIDENTIAL
REGISTERED

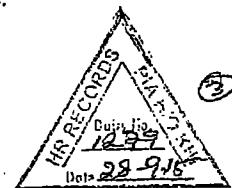
Dated 21/9/2013

~~Mr. Niels
11/12-1999~~



Sr. No

405



From : The Controller of Examinations
Board of Intermediate and Secondary Education, Lahore.

To. Mrs - A. Khanuja. Dy GM
PIA HR (Records)
Room 60. Head office Bui
Karachi Airport

Subject: VERIFICATION

Please refer to your letter / Memo No. HR-R/PE/SSDP-LAB/2013 dated 10/8/14

on the subject cited above.

The particulars shown in the enclosed _____ photostat copies of Result cards/ Certificates of the following Roll Numbers for the Secondary School Examinations, bearing the Serial Number Shown against each, have been checked and do not tally with this office record.

<u>NAME /FATHER NAME</u>	<u>ROLL NO.</u>	<u>YEAR</u>	<u>SERIAL NO.</u>
Masood Ahmed S/o Umer Din	17639	A/76	4752

The Result Card / Certificate in question have not been issued by the Board of Secondary School Education, Lahore. It is has, therefore been cancelled by the office and a copy is send the original Result Card / Certificate to the undersigned.

one day

(total in figure).....

Dealing Official.....

~~Office Superintendent, D.A.C.,~~
Encl:- As above

**Assistant/Deputy Controller (Records)
for Controller of Examinations**

C.T.C.

Abdul Haleez Amjad
Advocate Supreme Court of
Bengaluru

BEFORE THE NATIONAL INDUSTRIAL RELATION, BENCH AT KARACHI

Case No 4A 352) 2015-K

24 (366) 2015-K

Maqsood Ahmed.....Petitioner

Versus

PIACRespondent

OBJECTIONS/COMMENTS TO THE

PETITION U/S 33 OF IRA-2012

The Respondent respectfully submits as under:

PRELIMINARY LEGAL OBJECTIONS

- A. That the present petition is not maintainable under the law as the petitioner has knocked the door of this Honorable court with unclean hands.
- B. That the petitioner just save to his skin had filed the instant petition on the false footing having no cause of action with no head and tail, therefore, same may be dismissed as it is principle of law that every in competent case may be buried at the initial stage.

PARAWISE REPLY

1. That the contents of Para no 1 is true. As per law, petitioner was appointed as Junior Technician in PG-II in Precision Engineering Department. That the petitioner was promoted to PG-III on 01-01-2006. And Petitioner was a regular employee of the corporation on dated 01-07-2008. There after the competition in seven years in present pay group he has been promoted in PG-IV.
2. That the Contents of Para No 2 are admitted
3. That the contents of Para No: 3 & 4 are matter of Record.
4. That the contents of Para no 5 are denied being false and concocted, the Plaintiff is put to strict proof thereof. It is submitted that the Respondent issued show cause notice dated 30-09-2015 on account of submission of bogus and forged Matriculation Certificate of the petitioner at the time of appointment in PIA. It is also pertinent to mention here that this matriculation certificate was declared forged by the Board of Intermediate Secondary Education Lahore. However the reply of show cause notice was unsatisfactory It is also pertinent to mention here that this intermediate certificate was declared forged by

C.T.C.

Abdul Hafeez Amjad
Advocate Supreme Court of
Pakistan

the Board of Intermediate, Lahore. Hence the petition is filed with unclean hands and the same is non maintainable. The petitioner has committed misconduct under Section No. II, the clause 75 (a) (aj) (service & discipline), Regulations 1985 as amended up to date.

(Photocopies of Intermediate Certificate, Letter of verification Dated _____ and Verification Letter from Board of Intermediate Secondary Education Lahore are annexed as annexure P-A to P-

5. The Content of Para No 6 is are false and frivolous hence vehemently denied, baseless and incorrect hence denied. However the allegations and claims of threat, harassment and applying pressure tactics by the management, are required to be strict proof thereof. Furthermore there is no supporting evidence attached to support version of the petitioner. Hence the para under reply is denied.
6. That the contents of the para no 7,8 and 9 are admitted upto the extent that Hon'ble Commission is competent to adjudicate the matter . However the remaining part is incorrect. The concerned authority has right to take action if any unfair labour practice has done by the employee

OBJECTION TO PRAYER

It is humbly prayed that this Hon'able Commission may be pleased to dismiss the petition because it is not maintainable, and the petitioner has failed to touch the merit of the case. There is no unfair labour practice on behalf of employer. Whatever the disciplinary action taken by the Authority was valid as per law.

Prayed accordingly.


Agha S. Ali Raza Shah Rizvi
DGM Legal Services
& Attorney PIAC,
PIA Head Office, Karachi.

Respondents

Karachi

Dated: 01-01-2016


C.W.C.
Abdul Hafeez Amjad
Advocate Supreme Court of
Pakistan

- 18 -

Verification

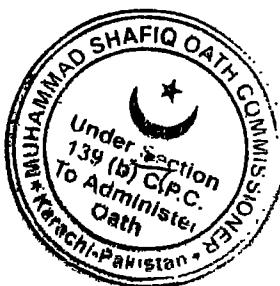
I, Agha S. Ali Raza Shah Rizvi, Muslim adult, DGM Legal Services & Attorney PIAC Karachi, duly authorized, resident of Karachi, holding CNIC NO , do hereby verify on oath and whatever stated above is true and correct to the best of my knowledge and belief.

Agha S. Ali Raza Shah Rizvi
DGM Legal Services
& Attorney PIAC,
PIA Head Office, Karachi.
DEPONENT

The deponent is identified by me to the commissioner for taking affidavit.

ADVOCATE

Solemnly affirmed on oath this day of January 2016, by the deponent/respondents above named who has been identified by Mr. Munir Ahmed Malik Advocate to whom I know personally.



COMMISSIONER FOR TAKING AFFIDAVIT

MUHAMMAD SHAFIQ
ADVOCATE
OATH COMMISSIONER
NEAR HIGH COURT KARACHI

31 DEC 2015

Mu Iqbal Siddique
FATIMA VENUE
G-10, Islamabad.

C.T.C.
Abdul Hafeez Amjad
Advocate Supreme Court of
Pakistan

**NATIONAL INDUSTRIAL RELATIONS COMMISSION
KARACHI BENCH**

**Case No. 4A (352)/2015-K
24 (366)/2015-K**

Maqsood Ahmed

Vs

M/s Pakistan International Airlines Corporation Ltd and others

Before:

Mr. Saleem Jan Khan, Member

Present:

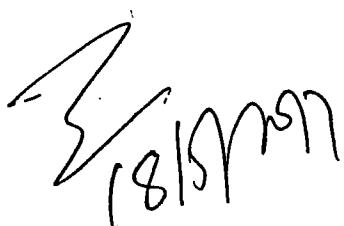
**Mr. Muhammad Khursheed, Labour Representative, for Petitioner.
Mr. Munir Ahmed Malik, Advocate for respondents.**

ORDER

18-05-2017

Heard, the learned counsel for the parties at length, on stay application and perused the available record.

2. This petition under section 54 (e) of the Industrial Relations Act, 2012 has been filed by the petitioner pleading therein that the petitioner has been victimized and pressurized, due to his active role in trade union association, which amounts to unfair labour practice and he has been served a show cause notice/charge sheet stated therein that the Academic Credentials submitted by the petitioner found fake/bogus, which amounts to misconduct. Reply to the show cause notice / charge sheet was sent to respondent in which the petitioner denied the allegations. The petitioner has also filed an application under Regulation 32 (2)(c) of NIRC (P&F), Regulations, 1973, that on the basis of said show cause notice/charge sheet it is likelihood that service of the petitioner will be terminated or dismissed by imposing one of the prescribed major punishments, without conducting fair and impartial enquiry and personal hearing, therefore this commission is requested to give direction to the respondents not to take any adverse action against the employment of the petitioner on the basis of show cause notice/charge sheet and also to conduct fair and impartial enquiry according to the required standard, and the petitioner be given an opportunity of personal hearing.


B/S/MN
(8/5/17)

-: 2 :-

Reliance is placed on order dated 19-08-2015 passed by Hon'able Chairman NIRC Mr. Justice (R) Raja Fayaz Ahmed in case No. 4A(95)/2014 title Shaista Ishaq vs. PIAC.

3. Respondents contest the petition as well as stay application and denied the allegation of unfair labour practice and pleaded that no victimization has been committed by respondents and further pleaded that it is the prerogative right of the employer to take disciplinary action against their employee on the charge of misconduct under the PIAC Employees (Service & Discipline) Regulations 1985, therefore the petition of the petitioner is not maintainable. It is further alleged that the academic credentials of the petitioner were sent to the concerned issuing authorities and the report of which the same was found fake and bogus and on the basis of the said report the show cause notice / charge sheet has been served to the petitioner, neither he has been victimized or pressurized on the basis of his trade union activities, therefore all contrary allegations of the petitioner in this respect are incorrect, baseless and denied. He further alleged that the assumption of jurisdiction by the Commission is dependent upon a prima facie case of unfair labour practice but the facts narrated in the petition do not constitute a case of unfair labour practice falling within the scope of section 15 of IRA, 2012 and nothing beyond that. It implies that in cases of victimization for any reason other than the trade union activities, this Commission will have no jurisdiction, therefore the petition as well as stay application is liable to dismissed. Learned counsel for respondents placed reliance on case law reported as NLR 1994 TD (Labour) 270, Full Bench appeal No. 12(42)/2013-K and C.R. No.439 of 2016.

4. I have heard the arguments of learned counsel for the parties and perused the available record and citations. The respondent's corporation have its own Service Rules and Regulations on the basis of which the disciplinary actions have been taken but these rules and regulations of the corporation are non-statutory and in this respect the non-statutory rules could not applicable on the charge of misconduct. In most of the case the charge of misconduct is leveled against the petitioners but the respondents without adhering to the provision of Order 15(4) of the Industrial & Commercial Employment (Standing Orders) Ordinance, 1968, after issuance of show cause notice on the charge

-: 3 :-

involving one of the prescribed major penalty and without affording a reasonable opportunity of defense to accused, issue notice for personal hearing to the concerned on the very day or day thereafter and pass a final order imposing a major punishment, which is against the mandate of Standing Orders Ordinance, 1968. It is the settled law that the termination of permanent workman for the reason of misconduct the employer should be conduct independent inquiry into the matter and after given full opportunity of defense to the workman, and thereafter the employer should suggest the stage of the punishment as the workman deserves. For the sake of convenience and reference the provision of Order 12 (1),(2)(3) and 15 (4) of the Standing Orders Ordinance, 1968 are reproduced as under:

12. Termination of employment. (1) For terminating employment of a permanent workman, for any reason other than misconduct one month's notice shall be given either by the employer or the workman. One month's wages calculated on the basis of average wages earned by the workman during the last three months shall be paid in lieu of notice.

(2) No temporary workman, whether monthly-rated, weekly-rated, daily-rated or piece-rated, and no probationer or BADLI, shall be entitled to any notice if his services are terminated by the employer, nor shall any such workman be required to give any notice or pay wages in lieu thereof to the employer if he leaves employments of his own accord. (3) The services of a workman shall not be terminated, nor shall a workman be removed, retrenched, discharged or dismissed from service, except by an order in writing which shall explicitly state the reason for the action taken. In case a workman is aggrieved by the termination of his services or removal, retrenchment, discharge or dismissal, he may take action in accordance with the provisions of] section 25-A of the Industrial Relations Ordinance, (XXIII of 1969), and thereupon the provisions of said section shall apply as they apply to the redress of an individual grievance.

15. Punishments.

(4) No order of dismissal shall be made unless the workman concerned is informed in writing of the alleged misconduct 1 [within one month of the date of such misconduct or of the date on which the alleged misconduct comes to the

18/5/2017

-: 4 :-

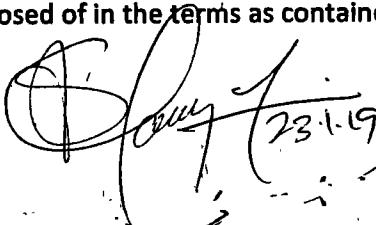
notice of the employer] and is given an opportunity to explain the circumstances alleged against him. The approval of the employer shall be required in every case of dismissal and the employer shall institute independent inquiries before dealing with charges against a workman.

Provided that the workman proceeded against may, if he so desires for his assistance in the enquiry, nominate any workmen employed in that establishment and the employer shall allow the workman so nominated to be present in the enquiry to assist the workman proceeded against and shall not deduct his wages if the enquiry is held during his duty hours.

5. Today the learned counsel for the petitioner stated at the bar that in view of the categorical opinion expressed on the point of law noted above, the petitioner will not press this petition provided that the management in accordance with the provisions of Order 15 (4) of the Industrial & Commercial Employment (Standing Orders) Ordinance, 1968 hold a regular and independent inquiry into the allegations with reasonable opportunity of defense to be afforded to the petitioner, in accordance with law. Furthermore, since from the issuance of show cause notice/charge sheet, the respondents have not conducted enquiry and reason was given by respondents that due to presence of stay order, the enquiry is still pending, the petitioner has also stated at the bar that no inquiry has been conducted till date.

6. In view of the above noted position, without touching the merit of the case which may likely to prejudice the case of either party, the respondents to hold a proper inquiry into the allegations leveled against the petitioner with a reasonable opportunity of defence and hearing be provided to the petitioner before passing a final order. Accordingly this petition is disposed of in the terms as contained in this para of the order.

Announced in open court
18-05-2017


23-1-19

Member

Application No. 251
Date of Application 23-01-19
Date of Preparation 23-1-19
Date of Delivery 23-1-19
Total Pages 1
NIRC, KARACHI BENCH

**BEFORE THE HONOURABLE FULL BENCH OF NATIONAL
INDUSTRIAL RELATIONS COMMISSION, AT KARACHI**

Appeal No.12 ()2019-K
24()/2019-K

Mr. Maqsood Ahmed S/O
Umer Deen
Muslim, Adult, resident of
C/O 25, Al-Amna Plaza, 2nd Floor,
M.A Jinnah Road,
KarachiAppellant.

V E R S U S

1. Pakistan International Airlines Corporation,
having Office at PIA Head Office,
Old Terminal Karachi,
through its Director HR Coordination
4. National Industrial Relations Commission
Bench at Karachi Gate No.4,
Governor House KarachiRespondents.

**APPEAL UNDER SECTION 58 OF
INDUSTRIAL RELATION ACT,2012**

Being aggrieved by and dissatisfied with the impugned order passed by respondent No. 2 dated 18.05.2017 in Case No. 4A(352)/2015-K, the appellant prefers this appeal for setting-aside the impugned order upon consideration of the following facts and grounds. Certified copy of impugned order is filed and marked as Annexure "A".

F A C T S

1. That the brief facts of the case are that on the basis of Show Cause Notice dated 30.09.2015 containing allegation forged certificate of the appellant apprehended victimization as an act of unfair labour practice being bonafide active member of Air League of Pakistan International Airlines Corporation employees

as at present due to political change in the government, the management of the respondent No.1 completely turned out against the appellant and his union in order to oblige the present set-up.

2. That under such apprehension and threat of discharge, removal, termination and dismissal from service, the appellant filed petition No.4A(352)/2015-K before the Bench at Karachi along with an application for interim relief, the said petition was responded and written reply was submitted, and without any evidence and without any verification of documents the respondent No.2 dismissed the petition of appellant on the basis of surmises and conjectures. Copy of petition, interim order & reply statement of the respondent are filed and marked as Annexure A/1, A/2 & A/3.
3. That the learned trial Bench of the commission ignoring the request as well as the procedure of trial announced the impugned order, and from perusal of impugned order it appears that the learned Single Bench passed the impugned order against the provisions of Standing Orders Ordinance and against the provisions of IRA 2012, hence this appeal on the following amongst other grounds:-

GROUND S

1. That the impugned order dated 18.05.2017 is illegal, unjust and without lawful authority.
2. That learned trial Bench of the commission completely ignored the proved elements of discrimination on the part of respondent.
3. That the appellant requested to the trial bench of the commission for production of certain documents as in many cases, it was found that the verification relied upon is not infact authentic, in such circumstances it was purely disputed question of facts and without recording evidence, no conclusion could have

arrived it but unfortunately, the learned Single Bench of the commission without any yardstick of truth or falsehood has blindly agreed what has been alleged by the respondent management, without affording an opportunity to the appellant to defend himself.

4. That the appellant can safely claimed that he totally stand condemned unheard as a case being based upon recording of evidence has been decided otherwise therefore, the conclusion drawn by the trial bench of the commission can safely turned to be decision arrived at without due process of law.
5. That the Show Cause Notice was issued to the appellant under PIAC Employees (Service & Discipline) Regulations 1985 while the appellant being workman is governed under the provisions of West Pakistan Industrial and Commercial Employment (Standing Orders) Ordinance 1968. It is pertinent to point out that Standing Orders Ordinance Provides initiation of Regular enquiry in case of allegations of misconduct but the PIAC did not initiated any departmental enquiry as per standing orders and the Regulations 1985 are non statutory have no force, therefore, all the proceedings are void ab-initio and illegal as the PIAC wants to get rid of unionized staff.
6. That the appeal is well within time and no other appeal has been filed against the impugned order. The undersigned counsel also seeks permission of this Bench to argue some more facts and grounds at the time of hearing of this appeal.
7. That beside there are many other illegalities and irregularities on the basis of which also the impugned order dated 18.05.2017 merits to be set-aside forthwith.

P R A Y E R

It is therefore, respectfully prayed that this Hon'ble Full Bench of Commission may kindly be please to call for and examine the record of the case and set-aside the judgment/decision dated 18.05.2017 in accordance with the law.

Maqsood Ahmed
APPELLANT

KARACHI:
DATED: 11.01.2019.

V E R I F I C A T I O N

I, Maqsood Ahmed S/O Umer Deen, Muslim, Adult, resident of Karachi, do hereby state on oath and verify that whatever has been submitted in the above application is true and correct to the best of my knowledge, belief and personal information

Maqsood Ahmed
DEPONENT

Identified by me.

Representative

Solemnly affirmed before me at Karachi on this 11th day of January, 2019, by the deponent above named who is identified to me by Mr. Muhammad Khursheed, Representative, who is known to me

COMMISSIONER FOR TAKING AFFIDAVIT

C.T.O.
Abdul Hafeez Amjad
Advocate Supreme Court of
Pakistan

**BEFORE THE HONOURABLE FULL BENCH OF NATIONAL
INDUSTRIAL RELATION COMMISSION, AT KARACHI**

Appeal No.12()/2019-K
24()/2019-K

Mr. Maqsood Ahmed.....Appellant

V E R S U S

M/S Pakistan International Airlines & Others Respondents.

STAY APPLICATION

The applicant respectfully submits as under:-

1. That the appellant has filed appeal under Section 58 of the IRA 2012, which is pending for final disposal.
2. That the appeal is based upon substantial points of law and facts and there is every likelihood of the same being accepted.
3. That the impugned order if not stayed forthwith the same would cause prejudice as well as loss to the legal rights of the applicant and many others.
4. That the merits of the case are sufficient to make out a prima facie arguable case and the balance of convenience also lies in favour of the appellant.
5. That the application is supported with an affidavit and documents.

P R A Y E R

It is therefore, respectfully prayed that this Hon'ble Full Bench of Commission may kindly be please to pass an order directing the respondents to maintain status quo in respect of service of appellant till the final decision of main appeal

KARACHI:

REPRESENTATIVE FOR THE APPELLANT

DATED: 11.01.2019

C.T.C.
Abdul Hafeez Amjad
Advocate Supreme Court
Pakistan

NATIONAL INDUSTRIAL RELATIONS COMMISSION, ISLAMABAD

Appeal No. 12 (69)/2019-K

CMA No. 24(69)/2019-K

Before: **Mian Shakirullah Jan, Learned Chairman NIRC**
Saleem Jan, Learned Member NIRC
Muhammad Ittefaq Abbasi, Learned Member NIRC

Maqsood Ahmed versus PIAC & Others

For the Appellant: **Liaqat Ali Qasim, Advocate**

For the Respondent(s): **Mr. Siddique Akbar Abbasi, Advocate**

JUDGMENT

Mian Shakirullah Jan, Chairman NIRC. - Through the instant appeal, the appellant has impugned the order dated 18-05-2017 passed by the learned single bench NIRC Karachi, whereby his petition under section 54 (e) read with 57 (2) (c) of IRA, 2012 was disposed of. The appellant in his petition before the learned single Bench had prayed to direct the respondents not to commit further unfair labour practice and to restrain the officers/persons connected with them directly or indirectly from changing the terms and conditions of his employment and not to dismiss him from service on the basis of alleged show cause notice dated 30-09-2015.

2. The brief facts of the case, as asserted by the appellant, are that the appellant has been working in PIAC as Project Technician since long. The petitioner is a workman and an active trade unionist. Having annoyed of his trade union activities, the management issued show cause notice dated 30-09-2015 on the basis of false allegations for submitting bogus/forged Matric certificate. The show cause notice was issued under the PIA (Employees Service and Discipline) Regulations, 1985.

3. The learned counsel for the appellants argued that the impugned order is against the law and facts of the case. It has been contended that the learned Member has failed to touch the merit of the case and ignored the documents produced by the appellant. He prayed that the instant appeal be accepted and the impugned order be set aside.

4. Conversely, the learned counsel for the PIAC has vehemently opposed the contention raised by the learned counsels for the appellants and supported the impugned order. It has been argued that no illegality or irregularity has been committed by the learned single bench that has rightly dismissed the petition. It has further been submitted that right of appeal is a statutory right that is to be governed under section 58 of the IRA, 2012 that has prescribed limitation period of thirty days for preferring an appeal; the instant appeal is badly barred by time by one year and about 8 months.

5. We have given anxious consideration to the arguments advanced by learned counsels for the parties and perused the available record with their able assistance.

6. The appellant has invoked the jurisdiction of this Commission under section 58 of IRA, 2012 that provides a right of appeal before the Full Bench of this Commission. Section 58 of IRA, 2012 states as under:

"Notwithstanding anything contained in this Act, or in any other law for the time being in force, any person aggrieved by an award or decision given or sentence or order determining a Collective bargaining unit (CBU) passed by any Bench of the Commission, may within thirty days of such award, decision, sentence or order prefer an appeal to the commission."

7. It is a settled principle that when a thing is required by law to be done in a certain way the same shall be done accordingly. The right of appeal is a statutory right that is to be governed under section 58 of the IRA, 2012 that has prescribed limitation period of thirty days for preferring an appeal. Certainly, section 5 of the Limitation Act, 1908 has been made applicable in computing the period within which an application is to be made, or any other thing is to be done under this Act by virtue of section 85 of IRA, 2012. However, it has been held by the Hon'ble Supreme Court of Pakistan in case titled Government of Pakistan through Ministry of Works and Another Versus Messrs Malbrow Builders, Contractor, Sialkot reported as 2006 SCMR 1248 as under:

"We may mention here that the question of limitation being not mere a technicality cannot be taken lightly and the rights accrued to the other party due to limitation cannot be snatched away without sufficient cause and lawful justification."

8. In the appeal in hand, the impugned order was passed on 18-05-2017 and perusal of record shows that the appellant applied for the certified copy on 13.06.2017 and the certified copy was prepared on 16-06-2017 and delivered on 21-06-2017. The instant appeal was preferred on 15-01-2019. The limitation period started to run on the day when the impugned order was passed i.e. 18-05-2017 and only the days consumed in obtaining certified copies of the impugned order are to be excluded while calculating the limitation period. In view of the time limitation, the instant appeal is undoubtedly filed after delay of one year and about eight months.

9. The appellant has filed an application for condonation of delay stating therein that he was seriously ill and was not able to file the appeal in time. However, in support of his contention the appellant has not filed any document proof alongwith the application to justify the delay in filing the instant appeal.

10. It has been held by the Hon'ble Supreme Court of Pakistan in case titled Khushi Muhammad through L.Rs. and others Versus Mst. Fazal Bibi and others reported as PLD 2016 SC 872 as under:

~~Md. Abu Baker Siddique
SIAMIP VENDOR
G-10, Islamabad.~~

"Therefore a claimant seeking condonation of delay must explain the delay of each and every day to the satisfaction of the Court; establish that the delay was caused by reasons beyond the person's (or counsel's) control and that he was not indolent, negligent or careless in initiating and pursuing the actionable right which had accrued in his favour."

11. In view of the dictum laid down by August Supreme Court of Pakistan that a claimant seeking condonation of delay must explain the delay of each and every day to the satisfaction of the Court, it is held that the appellant has miserably failed to make out his case for condonation of delay. Hence, the application for condonation of delay in filing appeal is dismissed. Also CMA is disposed of.

12. For the foregoing reasons, the instant appeal is dismissed being time barred. Parties are left to bear their own costs. File be consigned to record room after due completion.

Announced in open Court

Dated: 26/03/ 2019


Saleem Jan
Member


Mian Shakirullah Jan
Chairman


Muhammad Ittefaq Abbasi
Member

**BEFORE THE ISLAMABAD HIGH COURT,
ISLAMABAD**

C.M No. 01 /2019
IN
W.P No. 1448 /2019

Maqsood Ahmed

VERSUS

Full Bench of National Industrial Relations Commission and others

**CONSTITUTIONAL PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN**

APPLICATION FOR GRANT OF STAY

The Applicant respectfully submits as under:

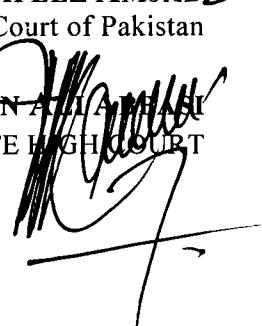
1. That the Petitioner has filed above titled writ petition before this honourable court, which is pending for final disposal.
2. That the petition is based upon substantial points of law and facts and there is every likelihood of the same being accepted.
3. That the Impugned Order if not suspended forthwith the same would cause prejudice as well as loss to the legal rights of the applicant.
4. That the merits of the case are sufficient to make out a prima facie arguable case and the balance of convenience also lies in favor of the applicant.
5. That the application is supported with an affidavit and documents.

PRAYER:-

It is, therefore, respectfully prayed that this Honorable Court may kindly be pleased to direct the respondents to maintain status quo in respect of service of the petitioner and to suspend the operation of Impugned orders dated: 18-05-2017 & 26-03-2019, till the final decision of main petition.

Through


3
ABDUL HAFFEZZ AMJAD
Advocate Supreme Court of Pakistan


MOHSIN ALTAF HASHMI
ADVOCATE HIGH COURT

- 32 -

**BEFORE THE ISLAMABAD HIGH COURT,
ISLAMABAD**

C.M No. 01 /2019
IN
W.P No. 1448 /2019

Maqsood Ahmed

VERSUS

Full Bench of National Industrial Relations Commission and others

**CONSTITUTIONAL PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN**

APPLICATION FOR GRANT OF STAY

AFFIDAVIT

I, **Maqsood Ahmed** son of Umar Deen, P-No. 53910, Senior project technician, Pakistan International Airlines Company Limited, do hereby state on solemn affirmation as under:-

"That the contents of above mentioned Stay Application are true and correct to the best of my knowledge and belief and nothing relevant has been concealed there from".

This Affidavit is made
Before me on the 19 APR 2019.
Av of Asad by me
deponent who has personally
known and heard by

Certified further that the deponent
Maqsood Ahmed
of the affidavit has been readout and
explained to him and he
understood and affirmed the same
Serial No. _____

Oath taken before me by
Asad



Maqsood Ahmed
DEPOVENT

BEFORE THE ISLAMABAD HIGH COURT,
ISLAMABAD

C.M No. 02 /2019
IN
W.P No. 1448 /2019

M Abu Baker Siddique
STAMP VENDOR
C-10, Islamabad
FIVE RUPEES

Maqsood Ahmed

VERSUS

Full Bench of National Industrial Relations Commission and others

CONSTITUTIONAL PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN

APPLICATION FOR EXEMPTION FROM FILING CERTIFIED

COPIES

The applicant respectfully submits as under:

1. That the applicant has filed the above captioned writ petition before this honorable court today, the contents of the same may kindly be read as an integral part of this application.
2. That the applicant has filed certain documents annexed with the writ petition and she is unable to provide certified copies thereto, hence seeks exemption from filling the certified copies of the same.
3. That the certified copies of the documents will be submitted as soon as these are made available.

Prayer:-

It is, therefore, respectfully prayed that this Honorable Court may kindly be pleased to exempt the applicant from filling the certified copies of the documents appended with the writ petition, in accordance with the law.

Through

Maqsood Ahmed
APPLICANT
ABDUL HAFEEZ AMJAD
Advocate Supreme Court of Pakistan

MOHSIN ABBAS
ADVOCATE HIGH COURT

- 34 -

**BEFORE THE ISLAMABAD HIGH COURT,
ISLAMABAD**

C.M No. 02 /2019

IN
W.P No. 1448 /2019

Maqsood Ahmed

VERSUS

Full Bench of National Industrial Relations Commission and others

**CONSTITUTIONAL PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN**

APPLICATION FOR EXEMPTION FROM FILING CERTIFIED COPIES

AFFIDAVIT



I, **Maqsood Ahmed** son of Umar Deen, P-No. 53910, Senior project technician, Pakistan International Airlines Company Limited, do hereby state on solemn affirmation as under:-

"That the contents of above mentioned Exemption Application are true and correct to the best of my knowledge and belief and nothing relevant has been concealed there from".


DEPONENT

This Affidavit Has been made

Before me on the 1st APR 2019

At Islamabad, on the day

Known to me to be

Cv. No. 02 Date of Deposition 1st APR 2019
I declare that I have read out and explained the contents of the same to the deponent in the presence of the same
Signature of Deponent Maqsood Ahmed

ATTESTED



Oath Commissioner
Attestation
Date 1st APR 2019

(B70)
01-05-09
MC 2019
08/07/2019

VAKALATNAMA

IN HIGH COURT ISLAMABAD

HEAD RECEIPT CLERK
File No. 3253
21-5-1

W.P No. 1448/2019

MAQSOOD AHMED PETITIONER

VERSUS

PIAC RESPONDENTS

I / We M/s. PIACL Attorney of the above noted Respondent-PIACL, hereby appoint and constitute Siddique Akbar Abbasi, Advocate to appear and act for me/us as my/our Advocate in the above matter.

Date:

Received by me on 02/5/19 from

Accepted

Advocate

MUHAMMAD TARIQUE
For PIAC
PIAC, Head Office Airport, Karachi

21/5/19

Clerk PIAC



SB
12-3-2-2
12-3-2-2
12-3-2-2
12-3-2-2
12-3-2-2
12-3-2-2

701
10-2-20

IN THE ISLAMABAD HIGH COURT, ISLAMABAD

Writ Petition No. 1448/2019

Maqsood Ahmad. Vs. Full Bench of NIRC etc.

REPORT/ PARA-WISE COMMENTS ON BEHALF OF RESPONDENT NO. 3

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Respondent No.3

Through



SADIQUE AKBAR ABBASI
Advocate High Court
Rawalpindi
CC # 15300

IN THE ISLAMABAD HIGH COURT, ISLAMABAD

Writ Petition No. 1448/2019

Maqsood Ahmad. Vs. Full Bench of NIRC etc.

**REPORT/ PARA-WISE COMMENTS ON BEHALF OF
RESPONDENT NO. 3**

Respectfully Sheweth:

REPORT: -

1. The petitioner has joined PIAC on Daily Wages and afterwards he was appointed as a Junior Technician as PG-II in Precision Engineering Department through Internal Advertisement No. EMP:REC:J.O"05/2004 dated 27.01.2004. Basic Qualification of above said post was "Matric". The petitioner was promoted to PG-III on 01.01.2006. Services of the petitioner have been regularized w.e.f. 01.07.2008 and after completion of 7 years in present Pay Group was promoted to PG-IV. At the time of induction in service with the PIAC, the basic educational requirement for the said post was Matric. The petitioner submitted his matriculation Certificate No.04452 having Roll No.17634 allegedly issued by the Board of Intermediate & Secondary Education (BISE) Lahore and the same was also incorporated in the Bio-Data Form/Assessment duly filled in his own writing and also signed by the petitioner as well as two witnesses. It is also worth mentioning that the petitioner also submitted Police Verification Form & Departmental Proforma, duly signed by him, in which he also shown his qualification as Matric.

2. That in the meanwhile, the management of PIAC has decided to get verified the educational documents of employees, hence as a routine, the educational documents of the petitioner have been got verified from concerned board/university. The petitioner has submitted his Matriculation Certificate allegedly issued by BISE Lahore, which was got verified and it was reported through letter dated 21.09.2015 by the concerned board with the remarks that "do not tally with this office record", and returned the same with Stamp of "**Bogus**"
3. That upon the receipt of verification from the concerned board, the PIAC management issued Show Cause Notice dated 30.9.2015 to the petitioner describing all the Statement of Allegations due to submission of fake/bogus educational document at the time of service, leading to mis-conduct. The petitioner submitted unsatisfactory reply of the Show Cause Notice on 02.10.2015 and failed to disprove his guilt. Furthermore the petitioner also filed case No. 4A(352)/2015-K before the respondent No.2 at Karachi, which was disposed off vide decision dated 18.5.2017 with the following observation:

“...without touching the merits of the case, which may likely to prejudice the case of either party, the respondents to hold a proper inquiry into the allegations leveled against the petitioner with a reasonable opportunity of defence and hearing be provided to the petitioner before passing a final order.”

4. That in response to the above quoted observations of the respondent No.2, the management of PIACL held proper enquiry in presence of the petitioner and provided him full and fair opportunity to defend his case, who also cross-examined the witness but miserably failed to defend himself.

5. That besides Proper Enquiry, on 27.12.2018, notice of Personal Hearing was also issued to the petitioner for appearance on 31.12.2018, who has participated in the personal hearing but failed to satisfy the competent authority regarding his innocence.

6. That feeling aggrieved of the order dated 18.5.2017 passed by the respondent No.2, the petitioner on 15.01.2019 has filed a **hopelessly time barred appeal** (01 year & almost 8 months) before the respondent No.1, without assigning any plausible reason for this long delay and the learned respondent No.1 has dismissed the appeal of the petitioner vide order dated 26.3.2019 being time-barred and the instant petition has been filed by the petitioner, which too is liable to be dismissed.

PRELIMINARY LEGAL OBJECTIONS: -

1. That petitioner has neither come with clean hands nor has any locus standi in his favour, because he was afforded full and fair opportunity to defend his case and proper inquiry in accordance with law was also conducted, but the petitioner miserably failed to disprove his guilt.

2. That the petitioner has no cause to file the instant petition. Further this Honourable Court lacks the jurisdiction to entertain and try the instant writ petition, as the petitioner earlier has filed Grievance Petition case No.4A(352)/2015-K before NIRC Karachi and the same was decided on 18.5.2017. Due to non-availability of Full Bench NIRC at Karachi, the appeal was entertained by the Respondent No.1 at Islamabad, hence the

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petitioner should file the Writ before Honourable Sindh High Court Karachi.

PARA-WISE COMMENTS ON BEHALF OF RESPONDENT NO. 3 ARE AS UNDER:-

Respectfully submitted,

- 1- In reply to Para-1 it is submitted that the petitioner while obtaining job with PIAC has submitted a fake and bogus Matriculation Certificate, which was got verified from the concerned board by the management of PIAC and the same has been declared as Bogus, which resulted into issuance of Show Cause Notice and the petitioner failed to satisfy the PIAC management and the same was also assailed through case No.4A(352)-2015-K before the respondent No.2 at Karachi and the same was disposed off with finding “...without touching the merits of the case, which may likely to prejudice the case of either party, the respondents to hold a proper inquiry into the allegations leveled against the petitioner with a reasonable opportunity of defence and hearing be provided to the petitioner before passing a final order.”

- 2- In reply to Para-2 it is submitted that appeal No.12(69)/2019-K was filed against the order dated 18.5.2017 with long delay of almost 01 year and 08 months on 15.01.2019, which was dismissed being time-barred by the learned respondent No.1.

3- Para No.3 is incorrect, hence denied. The petitioner has no cause to file the instant petition before this Honourable Court, as he has lost his defence while filing a time-barred appeal intentionally before the respondent No.1 without assigning any reason for such long delay. Furthermore, it is submitted that relationship of the respondent No.3 and petitioner is Master-Servant and the constitutional petition is not maintainable against the PIACL.

GROUNDS

- a. Ground (a) is incorrect, hence denied vehemently. The impugned order dated 18.5.2017 passed by the respondent No.2 is beyond the territorial jurisdiction of this Honourable Court because the matter relates to Province of Sindh. Furthermore the impugned order dated 18.5.2017 was not assailed within stipulated period, hence the same has attained finality, because of which the learned respondent No.1 has dismissed the appeal of the petitioner being time-barred.
- b. Ground (b) as stated is incorrect, hence denied vehemently. The appeal of the petitioner was hopelessly time-barred and the learned respondent No.1 while deciding the same has categorically described the reasons for dismissal of the appeal. The learned

respondent No.1 provided ample opportunity of hearing to the petitioner and after perusal of the record available on the file has decided the same.

- c. Ground (c) as stated is incorrect, hence denied vehemently. It is submitted that although grace period of two years have been given to the employees for placement of genuine educational documents, however this period has been nullified by the Honourable Islamabad High Court Islamabad while deciding the W.P.No.4064/2014 on 12.6.2015.
- d. Ground (d) as stated is incorrect, hence denied vehemently.
- e. Ground (e) as stated is incorrect, hence denied. The learned respondent No.1 has decided appeal No. 12(69)/2019-K while hearing the counsels of the parties at par and while deciding/dismissing the appeal mentioned the reasons for dismissal of the appeal (para No.8 of the decision dated 26.3.2019 is referred).
- f. Ground (f) is incorrect, hence denied vehemently. The issuance of Show Cause Notice does not tantamount to unfair labour

practice and the petitioner has been provided ample opportunity to defend his case.

- g. In reply to Ground (g) it is submitted that appeal of the petitioner before learned respondent No.1 was hopelessly time-barred and the learned respondent No.1 has dismissed the same on merits.
- h. Ground (h) as stated is incorrect, hence denied. The detailed reply has already been given in preceding paras especially Report. The management of PIACL has held proper enquiry and opportunity of personal hearing to the petitioner was also given.
- i. In reply to this ground, it is submitted that show Cause Notice was issued to the petitioner while describing the reasons and allegations that he has obtained service in PIAC on the basis of forged/bogus educational document, submitted at the time of induction in service, after receipt of Verification Report from the concerned board, whereby his matriculation certificate was declared Bogus.
- j. Ground (J) as stated is incorrect, hence denied. Furthermore the order dated 18.5.2017 passed by the learned respondent No.2 cannot be challenged before this

Honourable Court as the matter pertains to territorial jurisdiction of Sindh High Court. Further the order dated 18.5.2017 has attained finality, because the same was not challenged in time.

PRAYER:

It is therefore, respectfully prayed that as the present petition is misconceived and is not maintainable, therefore the same may please be dismissed.



Respondent No.3

Through

SADIQUE AKBAR ABBASI
Advocate High Court
Islamabad
CC # 15300

RELATED JUDGMENTS & BOOKS

- IRA 2012.
- 2006 SCMR 1248
- PLD 2016(SC) 872
- 2015 SCMR 1545
- 2012 SCMR 979
- 2009 SCMR 1492
- Judgment dated 12.6.2015 passed by the Islamabad High Court Islamabad in Writ Petition No. 4064/2014 in case titled “Mansoor Khan Vs. PIAC etc.”.
- Judgment dated 04.12.2015 passed by the Islamabad High Court Islamabad in Writ Petition No. 3258/2015 in case titled “PIAC Versus Learned Full Bench NIRC etc.”

IN THE ISLAMABAD HIGH COURT, ISLAMABAD

Writ Petition No. 1448/2019

Maqsood Ahmad. Vs. Full Bench of NIRC etc.

**REPORT/ PARA-WISE COMMENTS ON BEHALF OF
RESPONDENT NO. 3**

AFFIDAVIT

I, Dur Muhammad Tarique, General Manager Legal Legal Services/Attorney PIACL, do hereby solemnly affirm and declare on oath as under:-

That the contents of accompanying written reply/comments are true and correct to the best of my knowledge and belief and nothing has been concealed there from



Deponent

VERIFICATION:

Verified on oath at 15th on this 17th day of December 2019 that the contents of above affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed.

Certified that the above was declared on oath
before me by
Mr. Dur Muhammad Tarique
Identified by Saddiq Adv.
On 17/12/2019 at Islamabad
In the presence of Mohd. Qazi
Adv.
17/12/2019



Deponent

IN THE ISLAMABAD HIGH COURT, ISLAMABAD

C.M.No. _____ /2019
 In
 Writ Petition No. 1448/2019

Maqsood Ahmad. Vs. Full Bench of NIRC etc.

APPLICATION FOR GRANT OF STAY**WRITTEN REPLY ON BEHALF OF RESPONDENT NO.3**

Respectfully Sheweth

1. Para No.1 is formal. However answering respondent has filed detailed written reply/ comments, the contents of which may be read and treated as integral part of this reply.
2. Para No.2 is incorrect, hence denied.
3. Para No.3 is incorrect, hence denied.
4. Para No.4 is incorrect, hence denied.
5. Para No.5 as stated is incorrect, hence denied. The writ petition alongwith supportive affidavit and documents are incorrect and false.

It is, therefore, respectfully prayed that application under reply may very kindly be dismissed with costs and oblige.



Respondent No.3

Through

SADIQUE AKBAR ABBASI

Advocate High Court
 CC # 15300

//

IN THE ISLAMABAD HIGH COURT, ISLAMABAD

C.M.No. _____/2019
In
Writ Petition No. 1448/2019

Maqsood Ahmad. Vs. Full Bench of NIRC etc.

APPLICATION FOR GRANT OF STAY

WRITTEN REPLY ON BEHALF OF RESPONDENT NO.3

AFFIDAVIT

I, Dur Muhammad Tarique, General Manager Legal Services/PIACL, do hereby solemnly affirm and declare on oath as under:—

That the contents of accompanying Written reply of stay petition are true and correct to the best of my knowledge and belief and nothing has been concealed there from


Deponent

Verified on oath at 15d on this 17/11 day of December 2019 that the contents of above affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed.

Certified that the above was declared on oath

before me by

Mr.

Ident. No. A

Date

Place

Signature

PIA

Pakistan International Airlines Corporation
HR Planning & Policies Division
Employment Section

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EMP:REC: J.O:05/2004
27th January , 2004

(30)

DEPLOYMENT OF DAILY WAGES WORKERS OF PRECISION ENGINEERING
ON PIA CONTRACT

1. Applications are invited from Daily Wages Workers of Precision Engineering Department in order to determine their suitability for deployment on PIA contract against the following positions:

A. SR. PROJECT TECHNICIAN IV Rs: 7500/-

QUALIFICATIONS B.Sc degree (preferably BE in any discipline) from a recognized institution.

B. PROJECT TECHNICIAN III Rs: 6500/-

QUALIFICATIONS Graduate Or 03 years DAE from any recognized Polytechnic Institute.

C. ADMIN ASSISTANT

QUALIFICATIONS Graduate. (Preference will be given to BCS degree holders)

D. DISPENSER / COMPOUNDER

QUALIFICATIONS - F.Sc with diploma in Compounding/Dispensing.
- (Science Graduates holding above specified diploma will be given preference).

E. JUNIOR TECHNICIAN, HELPER, OFFICE ATTENDANT II Rs: 5500/-

QUALIFICATIONS Matric.

F. DRIVER

QUALIFICATIONS Matric with valid HV License with three years old HTV endorsement.

G. CHOWKIDAR, MALI, SANITATION WORKER I Rs: 5000/-

QUALIFICATIONS 8th Class Pass

Contd...P/2

2. The candidates must possess the following specifications:
- | | | |
|------|---------------|--|
| i. | Qualification | As specified above against each category. |
| ii. | Experience | Minimum One year service in Precision Engineering Department as on 28.8.2003. |
| iii. | Age | 33 years on 28.8.2003 including 5 years period allowed by Federal Government. Further relaxation in age equal to period served in PIA may be considered. |
3. The applicants are advised to apply against only one position.

GENERAL INSTRUCTIONS

4. Terms and conditions of salary and service will be as per contract.
5. Applications on the PRESCRIBED FORM alongwith all the relevant documents through Admin Manager (PEC) should reach the Manager Employment, PIA, near PIA Training Centre, Karachi Airport not later than 16th February, 2004 by official mail only. Applications received after the expiry of the last date fixed for submission of the applications, will not be entertained. No application will be accepted if delivered by hand. The Admin Manager (PEC) may verify the particulars of the applicants and forward applications of ONLY ELIGIBLE candidates to Employment Section.

Distribution:

SA / Chairman
 GM Human Resources (P&P)
 General Manager (Personnel)
 Executive Assistant DMD(Administration)
 Admin Manager, PEC
 MC / Director Administration
 → MC / Director Precision Engineering


FOR MANAGER EMPLOYMENT

To: **Maqsood Ali Khan**
P-53910
Proj Technician
Precision Engineering
Karachi

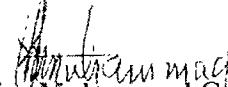
Excess

Copy to: Dy. General Manager Security Services
Dy. General Manager Payroll / Taxes
HR Manager (PEC)
Manager HIR (Records)

Ref: GMHRM / P- 53910 / 2008
Date: September 01, 2008

PERMANENT ABSORPTION

1. In pursuance to the direction of the Federal Government via Cal. Letter dated 10/07/2008, Establishment Division O.M. No. 10-80/2008-R.H dated 05/07/2008, we inform you that your contractual service is being regularized and consequently you are permanently absorbed in PIA w.e.f 01-07-2008, without any change in your basic salary, pay group and job description.
2. Consequent upon your permanent absorption in PG- III, you will be entitled to all allowances and facilities as admissible under the rules of the corporation. Your seniority in your department and in your pay group will be reckoned from 01-07-2008.
3. We hope that this gesture of management will improve your motivational level and job productivity in the best interest of the corporation.


Yar Muhammad Gopang
General Manager HIR Management

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PART-I PERSONAL DATA				
NAME	Masroor Ahmed	STAFF NO.	53910	
DESIGNATION	J.R. Teller	PAY GROUP		
DATE OF APPOINTMENT	22-11-1995	SECTION	Machine Shop	
ACADEMIC QUALIFICATION	MAFIC	PROFESSIONAL QUALIFICATION	- Nic -	
DATE OF BIRTH	15-1-1961	N.I.C. NO.		
DOMICILE DISTRICT	Sialkot	PASSPORT NO.	1	
RELIGION	Islam	MARITAL STATUS	MARRIED	
PRESENT RESIDENTIAL ADDRESS	4-Nr. 316, Street No. 18 Bakhtawar Road, Airport Level	PHONE NO.		
PERMANENT RESIDENTIAL ADDRESS		PHONE NO.		
PART-II FAMILY DATA				
	NAME	SEX	DATE OF BIRTH / VAGE	FAMILY CARD NO.
FATHER	Umer Din	Male		
MOTHER	Dowlat Bibi			
SPOUSE(S)	Mumtaz Masroor			
CHILDREN	Sumara Masroor	F	16-2-87	L-3267
2	Rana Tariq Masroor	M	13-1-88	L-3268
3	Rana Saima Masroor	M	9-10-89	L-3269
4	Rana Babar Masroor	M	7-10-91	L-3270
5	Rana Nasra Masroor	M	15-8-94	L-3271
6	Rana Rashed Masroor	M	20-1-95	L-3272
7				
8				
9				
PART-III NOMINATION IN CASE OF DEATH				AUTHORITY NO 25/77
LATEST NOMINEES	NAME (in block letters)	AGE	RELATIONSHIP (With Employee)	
STANDERDATOR	Mumtaz Masroor	35	(Wife)	
NOMINATION	Rana Faiz Masroor	15 Years	(Son)	
NOMINATION	Rana Farhan Masroor	12 Years	(Son)	

EMPLOYER'S SIGNATURE

(Last Date)

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P-53910

POLICE VERIFICATION FORM

Name of the post in which the candidate is to be appointed

JUNIOR Technician

PART I TO BE FILLED IN BY THE CANDIDATE

1. NAME IN FULL (BLOCK LETTERS): MAQSOOD AHAMMED
2. FATHER'S NAME (BLOCK LETTERS): UMER DIN
3. FATHER'S NATIONALITY: PAKISTANI
4. FATHER'S SERVICE: FARMER.
5. HOME ADDRESS IN FULL i.e.,
VILLAGE, P.O. & TEHSIL,
POLICE STATION ETC: NANGAL KAMLA POST OFFICE
RENDOMIA SIALKOT
6. PRESENT RESIDENTIAL ADDRESS: FLAT NO. 957 BLOCK 4B-A
PIA TOWN SAMP AIRPORT KAR.
7. ADDRESS DURING THE LAST FIVE YEARS WHERE THE CANDIDATE HAS STAYED FOR MORE THAN SIX MONTHS:

S.NO.:	ADDRESS	FROM	TO
01	NANGAL KAMLA POST OFFICE RENDOMIA SIALKOT PIA	1950	1995
01	FLAT NO 957 BLOCK 4B-A PIA TOWN 04 April 1994	1995 - NOV. LEAVING	

8. DATE OF BIRTH 15-03-1961 9. PLACE OF BIRTH
10. EDUCATIONAL QUALIFICATIONS:

S.NO.:	QUALIFICATION	SCHOOL/COLLEGE	DATE OF ENTERING	DATE OF LEAVING
01	MATRIC Science	GROVE HIGHER School Ban Bagwan	1967	1978

11. OFFICES OR FIRMS, WITH FULL DESCRIPTION AND ADDRESSES, WHERE THE CANDIDATE PREVIOUSLY WORKED AND THE REASON FOR LEAVING

S.NO.	OFFICE/FIRM	FROM	TO	REASON FOR LEAVING
01	Tech Service Associate Rahim Yar Khan 3300 1981.	5-10-79	5-0-79	Finish of work
02	Contractor Engineers 254½ Block 6 LTD.	03 years.	03 years.	Finish Contract
03	PECH. KUTUB SONS 32 B-8 G. PECH. KUTUB 10-10-02	10-10-02	22-5-83	FINISH WORK FIRE IN WORK
04	SEFC, PLOT 35 Sector 50 13/1/84	13/1/84	02-4-1986	

If the candidate has previously served in the Armed forces of Pakistan, relevant entries relating to the length of service, nature of the duties performed and report regarding the character and behaviour entered in the Discharge Certificate should be submitted.

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12. Whether arrested, prosecuted or convicted in any case, political or otherwise, and restricted or extended? If so, full particulars, including dates should be given.

Nil

13. Full particulars of the near relations i.e. brother, sister, first uncle and first relations-in-law who are in Government Service.

S.NO.:	NAME AND RELATION	POST HELD	PLACE OF DUTY
	Nil		

14. Name with address of three references in Pakistan, who can testify to the candidate's character & antecedents.

- i) ENGR. MAHREZ AZ HAR SHEIKH, 160-4/3,
D.E.C.H.S., KARACHI (+ 75460)
- ii) ABDUL RAZZAK. HOUSE NO. MC 1579
Azam Room Green Town, KARACHI NO. 43.
- iii) LIAQAT ALI, RES. HNO 1316 ABIDABAD.
BALDIR TOWN KARACHI

SIGNATURE OF CANDIDATE Masud J. Ahmad
DATE: 23/11/95

PART II TO BE FILLED IN BY THE
SUPERINTENDENT OF POLICE
SUITABLE / UNSUITABLE FOR THE FOLLOWING REASONS:-

Place _____

Superintendent of Police

Date _____

SIGNATURE AND SEAL*****

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PAKISTAN INTERNATIONAL AIRLINES CORPORATION
PRECISION ENGINEERING DEPARTMENT

NAME MAQSOOD. AHAMED DESIGNATION JUNIOR TECHNICIAN
 STAFF NO. SECTION MACHINE SHOP/SITE PAY GROUP II
 DATE OF JOIN. IN PIA APPOINTED AS JUNIOR TECH IN PAY GRP. II
 DATE OF BIRTH 15-03-1961 PLACE OF BIRTH SIALKOT
 DOMICILE: DISTRICT/PROVINCE SIALKOT
 N.I.D. CARD NO. 305-89-278084 PEC CARD NO: PIA CARD NO.

QUALIFICATIONS:

(a) ACADEMIC MATRIC(b) TECHNICAL Nil

RELIGION: Islam SECT.
 PASSPORT NO. Nil DATE OF ISSUE Nil PLACE OF ISSUE Nil
 CAR NO. Nil MOTOR CYCLE/SCOOTER NO. Nil
 DRIVING LICENCE NO. Nil PLACE OF ISSUE Nil
 PRESENT ADDRESS Flat No. 957 Block No. 48A PIA
Town Ship, Airport Kar. PHONE NO. Nil

PERMANENT ADDRESS Nangal Kamla, Post Office RENDAHNA
SIALKOT, PAK. PHONE NO. Nil

FATHER'S NAME UMER DIN ALIVE/EXPIRED. OCCUPATION PHONE NO. Nil

RESIDENTIAL ADDRESS Nangal Kamla, Post Office RENDAHNA
SIALKOT PAK. PHONE NO.

MOTHER'S NAME DULAT BIBI ALIVE/EXPIRED. OCCUPATION Wife PHONE NO.

RESIDENTIAL ADDRESS Nangal Kamla Post Office RENDAHNA
SIALKOT PAK. PHONE NO.

NOMINATION:

1. Name MUMTAZ MAQSOOD, Age 31, Relationship WIFE
 Address Nangal Kamla Post Office RENDAHNA SIALKOT PHONE NO. Nil
2. Name RANA TARIQ MAQSOOD, Age 08, Relationship SON.
 Address Nangal Kamla Post Office RENDAHNA SIALKOT PHONE NO. Nil
3. Name RANA RASHID MAQSOOD, Age 01, Relationship SON.
 Address Nangal Kamla Post Office RENDAHNA SIALKOT PHONE NO. Nil

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MARITAL STATUS MARRIED

NAME OF WIFE(S)/HUSBAND MUMTAZ MAQSOOD

PARTICULARS OF WIFE

NAME MUMTAZ MAQSOOD, RELIGION Islam SECT. PASHOOR
 OCCUPATION House wife NATIONALITY PAKISTANI

PARTICULARS OF CHILDREN:

S.NO.	NAME	MALE/FEMALE	DATE OF BIRTH
1.	Somaira MAQSOOD	Female	09 Years
2.	RANA TARIQ MAQSOOD	MALE	08 Y
3.	RANA BABER MAQSOOD	MALE	06
4.	RANA SABIR MAQSOOD	MALE	06 Year
5.	RANA NAZAKET MAQSOOD	MALE	04 Years
6.	RANA RASHED MAQSOOD	MALE	01 Years
7.			

Masoom Afridi
SIGNATURE OF EMPLOYEE

DATE 23/11/85

ISO Board Press 2.091-11-02 2315

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION, JABALPUR

www.23306.net

**CONFIDENTIAL
REGISTRATION**

Dated 2-1-3-1993

~~Mr. H. H. H.~~
~~July 1899~~



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From : The Controller of Examinations
Board of Intermediate and Secondary Education, Lahore



to Mrs. A. Klemmeyer. by G.M.

~~Mrs. H. Remond~~
PRA HR (Records)

Riverside Head Office Building
Kanchanaburi Airport

Subject: VERIFICATION

VERIFICATION H.R.B./PC (S.D.E.L.H.E/201) 1-24-19
Please refer to your letter / Memo No.

as the subjects cited above.

The particulars shown in the enclosed _____ photostat copies of
Rank Cards/Certificates of the following Roll Numbers for the Secondary School Examinations,
bearing the Serial Number Shown against each, have been checked and do not tally with this office
record.

The Bisectional Birth / Certificate in question have not been issued by the Board of Secondary School Education, Lahore. It is lies, therefore been cancelled by the office and I am giving the original Bisectional Birth / Certificate to this undersigned.

[Fatal to Success](#) [www.fataltosuccess.com](#)

Beating Official.....

Office Superintendent
Price- As above

Establishment Controller (Records)
for Controller of Expenditure

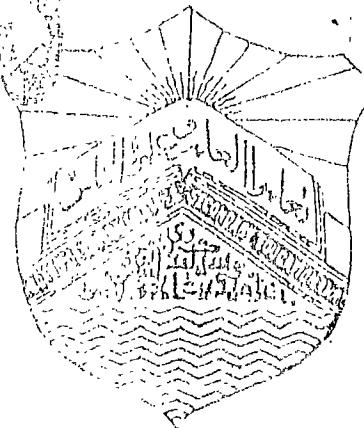
21

23

53910

04452

Government H. S. S. T. P. P. 863



P-5391

Roll No 17634

BOARD OF INTERMEDIATE & SECONDARY EDUCATION, LAHORE

Secondary School (SPRING) Examination 1976

HUMANITIES Group

MAQSOOD AHMAD

JUNIOR DIN

School/District GOVT. HIGH SCHOOL BIN RAJWA, DISTRICT SIALKOT

Date of Birth 15-3-1961 (FIFTEENTH MARCH)

The candidate whose name is written below has passed

Secondary School Examination conducted by this Board in FULL as a REGULAR candidate. He/She offered the subjects and obtained the marks as follows:

Sl. No.	SUBJECT	Maximum	MARKS	Obtained
1	Urdu	150	86	86
2	English	150	79	79
3	Punjabi	75	31	31
4	Pakistan Studies	75	39	39
5	Mathematics	100	40	40
6	Islamic Studies	100	43	43
7	History	100	46	46
8	Civics	100	51	51
	TOTAL MARKS IN PAPER	850	423	423

(In Words)

FOUR HUNDRED AND TWENTY THREE

Excert of Gr. D

Int. Secretary

Lahore NOVEMBER 30, 1976.

Mr. Kazi Abdul Qadir

SECRETARY

Ref: GM(SITE)/P-53910/2015
September 30 2015

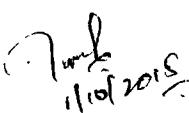
Mr. Maqsood Ahmed
P-53910
Sr. Project Technician

SHOW CAUSE NOTICE UNDER SECTION-II CLAUSE 75(aj)
OF SERVICE & DISCIPLINE REGULATIONS 1985

1. It has been reported vide letter No.IIR(R)V.Cell/2015/664 dated 28.09.2015 that the Matriculation Certificate bearing Sr. No.04452 under Roll No. 17634 Enrolment No. 75.ST.SP.863 submitted by you in PIA is declared BOGUS by Board of Intermediate & Secondary Education Lahore.
2. The above act committed by you is a serious misconduct under provision of Section-II Clause 75(aj) of PIAC Employees (Service & Discipline) Regulations-1985 as amended up to date.
3. Therefore, before taking any action, you are required to submit your genuine certificate (if any) and written reply within 07 days of receipt of this letter as to why the action in accordance with rules is not taken against you on the charge of submitting Forged qualification certificate.
4. In case you fail to submit your reply within stipulated period, it will be presumed that you are not interested to defend your position and therefore, further action will be taken against you as per rules of the Corporation.


Sultan Mahmood
General Manager SITE

Cc: Director Precision Engineering
Cc: DGM HR (PEC)


11/09/2015

The General Manager (SITE)
 M/S Pakistan International Airline Corporation
 Precision Engineering Department
 PIA Head Office Building,
 Jinnah Terminal, Karachi Airport,
 Karachi

Karachi
 Dated. 02.10.2015

REPLY

Subject: SHOW CAUSE NOTICE

Dear Sir,

With reference to your alleged letter dated 30.09.2015 on the referred above subject matter has served upon the undersigned on 01.10.2015, it is respectfully submits as under;

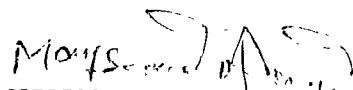
1. That the contents of alleged show cause notice as explained by you are baseless, misconceive, untruth and contrary to the facts as such I totally denied being as false.
2. That the undersigned was appointed in M/S Pakistan International Airline Corporation since March 1994 on daily wages basis in the capacity of Casual Worker and the qualification for the post of Casual Worker was only Middle pass.
3. That thereafter the management of the Corporation has been offered the undersigned for contractual employment in Corporation as such the request of the Corporation has been accepted by the undersigned and the Corporation has been appointed the applicant on the post Junior Technician in Pay Group-II as such the applicant has been joined his duty and thereafter the Corporation has been permanently absorbed the services of the petitioner as permanent employee with effect from 01.07.2008 on the post of Project Technician and in the month of July, 2015, the applicant has been promoted in Pay Group-IV with designation of Senior Project Technician.
4. That it is a fact that the applicant appeared in Matriculation Examination but not cleared all the papers but at the time of appointment, the applicant on contractual basis, the applicant has been submitted the Middle Passed certificate.
5. That it is further submitted that I was appointed in the Corporation on the basis of Middle passed, the post of Casual Worker or Junior Technician was required the qualification of Middle passed but I neither concealed the facts

24
28

before the Corporation nor submitted any forged educational/ qualification document.

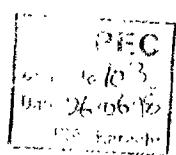
You are therefore requested may pleased be withdraw the alleged show cause notice as the such alleged show cause notice based on false and baseless allegations and the such alleged show cause notice has been issued by the management with malafide intention and ulterior motive as the such practice still continuing in the Corporation due to reducing the strength of the employees.

Yours sincerely


MAQSOOD AHMED
Staff No.53910
Senior Project Technician
Precision Engineering Department,
M/S Pakistan International Airline Corporation
Karachi

PEEC - 27/06/18

Precision Engineering Department



SRIHOD DEPT. NO. 104
26/06/18

25
(25)

Mr. Munir Hussain Shaikh
P-1616

Manager (Commercial)

Please forward the above
mention officials for further action. (by
M. comoder)

APPOINTMENT AS ENQUIRY OFFICER

25/06/18

To Mr. Farah Kamran, P-1616, Asst. Manager (Flight Services) appointed as Enquiry Officer vide our letter dated 14/06/2018 to conduct enquiry in this case. The DGM (M&S Standards & Services), regretted and the same case file sent by Comoder (by mail) on 20/06/2018 vide his notation dated 14/06/2018.

You have been appointed as Enquiry Officer by the competent authority for disciplinary action submission of 3rd level case against the Manager (Commercial) Mr. Munir Hussain Shaikh (P-1616) for the same case as mentioned above.

Kindly you are requested to take further action in accordance with procedure as per H. Clauses 7, (iii) & (iv) of PIA Employees' Service & Discipline Regulation 2014 and submit the enquiry report within 30 days as specified time limit for completion of Enquiry Period i.e. the time mentioned in accordance with para 6 of Circular dated 09/01/2014 (Exhibit 1).

Enclosed herewith are copy of the letter, copy of the case file, copy of the note and PIA request form herewith for your reference.

Encl: As above.

Munir Hussain Shaikh
Manager (Commercial)

Copy to:

- General Manager (Site) PEC
- De Time Officer PEC

AGM (HR) Commercial & HR Officer, PEC

As discussed, due to upcoming staff rotation and also ongoing training of new PSS (Hire), Mr. Munir Shaikh

cannot be spared.

25/06/18



26

HR PEC
Dairy No. 156
Date 28-08-18
PIA
222

MGRS&NWP/Enquiry/P-53910/2018

August 10, 2018

ENQUIRY REPORT

1. Undersigned was appointed as Enquiry Officer vide of HR Officer (PEC) letter no. SRHRO/PEC/P-53910/2018/146 dated 22nd June 2018 to enquire into the allegations/charges (Submission of Bogus Matriculation Certificate Case) leveled against Mr. Maqsood Ahmed P-53910 Senior Project technician PEC (PG-IV) under Section II, Clause-75 (aj) of PIA Employees Service & Discipline Regulations in 1985, as amended upto date.

Accordingly Notice of Enquiry dated 23rd July 2018 was issued to Mr. Maqsood Ahmed P-53910 Senior Project Technician PEC (PG-IV).

CASE BACKGROUND:

2. As per enclosed statement of prosecution witness, Mr. Maqsood Ahmed P-53910 Senior Project Technician PEC (PG-IV)

ENQUIRY PROCEEDINGS:

3. Mr. Maqsood Ahmed P-53910 has appeared before undersigned on 01 August 2018 at 1500 hours in Room No.114, PIA II Building (CRG), Karachi Airport.

4. Mr. Muhammad Zahid Sr. HR Officer (PEC), the prosecution witness in the case, submitted his statement regarding the Case in which he outlined the Brief History of Case.

5. Different Question has been asked from the Accused. He repeated the same response as of reply of Show Cause Notice (attached as Page C) (Denial of submission of Matriculation Certificate (Pass)).

The accused has not submitted any written respond to questions.

6. In response of the Enquiry Notice, MGRS&NWP/COMM/P-52999/2018 23rd July, 2018, A letter has been received on August 1, 2018 from Accused in which he requested to withdraw the Show Cause notice and to issue a fresh Show Cause notice under the provision of Industrial & Commercial Employment (Standing Orders)

27th

Ordinance 1968, as per Order of the Honorable Bench of National Industrial Relation Commission, Karachi. The Letter is enclosed.

FINDINGS:

7. During the course of enquiry, it was found there was only Matriculation Certificate (Pass) and Accused rapidly denied and stated that he was only appeared in Matric Examination in 1976 and till date HR Department never solicit from the Accused for the Matric Certificate.

8. The claim of accused that he did not submit the Matriculation Certificate (Pass) at time of employment could not substantiated through his Employment papers (available in his personnel file). In every Document, Police verification form or ACRs, The qualification is written as Matriculation Certificate (Pass) and the same has been agreed by the accused. He never denied the Matriculation Certificate (Pass).

CONCLUSION:

8. The allegations as contained in the Show Cause notice stand un-rebutted therefore, in the light of above findings, undersigned hold accused employee as Guilty of the charges leveled against him vide Show Cause Notice bearing Letter No GM(SITE)/P-3340/2015 dated September 01, 2015.


Munir Hussain Shaikh (وفیضی)
Enquiry Officer
(Manager Commerical)

Distribution:

General Manager (SITE) PEC
DGM HR (PEC)
DGM HR (Records)

Encl.
Enquiry Questions.
Accused Response of Enquiry Notice

287

01 August, 2018

Enquiry Questions

- 1 The enquiry of Mr. Maqsood Ahmed (P-53910) on 27th July, 2018 at 1500 hours in Room No.114, PIA IT Building (PEC), Karachi Airport
- 2 Due to death of his real brother Mr. Maqsood Ahmed was not appear before the enquiry officer on 27th July, 2018 at 1500 Hours, the enquiry date was reschedule as 01 Aug 2018 at 1500 Hours and was communicated by Email to HR office PEC
- 3 Following Questions has been asked in presence of HR Officer PEC (prosecution witness in the case).

1. Have you submitted the Matriculation certificate under Sr. No.04452?

Response: I have not submitted Matric Certificate. I was appeared in Matriculation exam at that time.

2. How do you manage to get this job on the basis of under Matric certificate?

Response: I got this job based on my experience in earlier

3. Matric Qualification is mentioned on every ACR and same is signed by you. Please clarify the same

Response: These ACRs filled by the department I worked on Site. I never noticed the content of ACR and signed the same.

4. Before PIA, did you work with any Company where as you joined PIA 1995 and you have passed Matric in 1976?

Response: Yes worked before Joining PIA

5. Have you Marks sheet of Matriculation BI&SI Lahore?

Response: I did not have any Matric Certificate/ Marks sheet.

6. Are you agreed with BI&SI Lahore denying your submitted Certificate as BOGUS?

Page 1 of 2

M. S. Ahmed
01/08/18

M. S. Ahmed
P. SBW

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Response: No

7. Do you want to Ask any question to Inquiry Officer and Prosecution Witness
Response: No, I don't want to ask any question

Maqsood Ahmed P-53910
Maqsood Ahmed (P-53910)

Muhammad Zahid (P-54682)

Munir Hussain Shaikh (P-46446)

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MGR& NAVI/COMINT/P/2018/000

2nd July 2018

Mr. Maqsood Ahmed
P 53910
Senior Project Technician (PG-IV)
Through: Sr. HR Officer (PEC)

NOTICE OF ENQUIRY

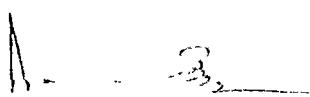
1. As per Order of Enquiry passed by the Competent Authority, the undersigned has been appointed as Enquiry Officer to enquire into the allegations / charges leveled against you under Section II, Clause 77 (aj) of PIA Employees Service & Discipline Regulations in 1985, as amended upto date.

2. The charges / allegations are already communicated to you by General Manager (PEC) Precision Engineering Complex letter dated September 30, 2017.

3. Now, in order to proceed further, you are required to appear before undersigned on 27th July, 2018 at 1500 hours in Room No. 11, PIA IT Building, PIA Complex, Jinnah Airport.

4. You are allowed to bring any documentary evidences/ witnesses in your defense (if deemed appropriate) that may assist you during the course of enquiry.

5. However, if you failed to appear on the scheduled date and time prescribed in Para 3 above, ex-parte proceedings will be initiated.

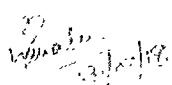

Murtuza Hussain Shaikh
Manager
Schedules & Network Planning
Commercial Department

Distribution:

General Manager (PEC) PEC
DGM HR (PEC)

- DGM HR (Records)
- SHRO (PEC)

Please arrange prosecution witness in the case
Please arrange prosecution witness in the case





31

STATEMENT OF MR. MUHAMMAD ZAHID, P-54682, SR. HR OFFICER
PRECISION ENGINEERING DEPARTMENT

I, the undersigned having P-54682, Sr. HR Officer, PEC, deal with disciplinary cases employees of Precision Engineering employee.

This case belongs to Mr. Maqsood Ahmed, P-53910 – Sr. Project Technician, Precision Engineering Department, who is offered declaration of Matric Certificate despite having the Board of Intermediate & Secondary Education Lahore.

i) Manager HR Records bearing No.HR(R)V.CB.I/2013/661 dated 28-09-2013 intimated PEC regarding declaration of Matric Certificate as Bogue by Board of Intermediate & Secondary Education, Lahore in respect of Mr. Maqsood Ahmed, P-53910 Sr. Project Technician, PEC.

ii) In regard to above case, he was issued Show Cause Notice vide minute 5 dated 10-10-2013 in accordance with section 13(1)(c) of the S.A.D. Employees Discipline Regulations 1985 as amended upto date.

iii) The reply of Show Cause Notice received through GMSEETI vide letter dated 10-10-2013. Brief details of reply is as under:

He denied the charge of issue of the false certificate of Matriculation on double wages basis in the capacity of Casual Worker and the qualification for the post of Casual Worker was only Middle Pass. He further added that initially he was offered the employment as Junior Technician in PEC PTA which he accepted and joined the Corporation as Jr. Technician.

He claimed that he appeared in Matriculation Examination but did not pass all the papers and his qualifications remained on the basis of Middle Pass Certificate. Moreover, neither he conceded the falsification of his academic qualification.

Therefore, he is requesting that the alleged Show Cause Notice issued be withdrawn as the same was issued by the management with malicious intention and ulterior motive as the such practice still continuing in the Corporation due to reducing the strength of its employees. The reply of the above employee was considered unsatisfactory by Director PEC vide his notation dated 10-10-2013.

iv) Therefore case was initiated vide minute 8, dated 14-10-2013 for Inquiry proceedings. The competent authority decided to dispensed with the holding of enquiry proceeding in accordance with Regulation 70C of S.A.D Regulation 1985.

v) Accordingly Notice for Personal Hearing issued 14-10-2013 to accused employee to appear before Director HRA&T on 22-10-2013 at 1500 hours.

vi) Meanwhile, He submitted an application dated 19-09-2013 quoting 31-09-2013-10-2013 from NIRC in Case No.4A(382)/2013-K dated 24-09-2013 for Mr. Maqsood Ahmed P-53910, Sr. Project Technician, PEC, Lahore. He claimed that he was terminated by PEC after taking disciplinary action against him on the basis of show cause notice dated 10-10-2013 as per decision of management the management is at liberty to conduct enquiry, therefore

✓

(iii) He appeared on the scheduled date and time and was given full and fair opportunity of personal hearing. During the course of personal hearing he did not come forward with any plausible reason which could absolve him from charge. However, it has been decided by the competent authority to dismiss him from the service of PIA. However, up to restraining Order dated 05-10-2015 passed by Hon'ble NEDC, in the case, implementation of his dismissal will take effect after vacation of said restraining Order.

viii) Order or Note of Personal Hearing was prepared and signed by the Director HR & Coordination.

ix) All other cases of similar nature of PIA have been PIA - M/s approved by the authority concerned till 01-06-2018. Therefore, further disciplinary proceedings were terminated against him under provision of Section-H clause 5(1) of PLAC Employees Service & Discipline Regulations-1983 as amended up to date, on account submission of paper dated 20-05-2018.

x) Chief HR Officer has intimated in the meeting Ld. on 30-05-2018 at PIA, that to complete all disciplinary proceedings of those cases which have been closed O/T from any Honorable court and are still pending.

xii) Therefore, in compliance with the directive of Chief HR Officer, before conducting disciplinary proceedings, we have obtained clearance by DGM Legal Services (Ex- Minutes dated 01-06-2018), and advised with the following candid:

"The enquiry in each case may be conducted as per direction."

xiii) Implementation of such direction is done in accordance with the above Show Cause Notice issued 30-06-2018 under section-H clause 5(1) of PLAC Employees Service & Discipline Regulations-1983 as amended up to date, dated 21-06-2018.

xv) Therefore, Mr. Munir Hussain Sharif P-6446 Manager IT communicated in writing by the competent authority to Inquiry Officer to conduct Inquiry in his case on 27-07-2018.

xiv) The Inquiry Officer issued order of Notice for Inquiry dated 23-07-2018 to Mr. Muhammad Arif Khan P-52999, Project Officer, PIA, with the advised to appear before the Inquiry Officer on 27-07-2018, at 1300 hours at Room No '14, PIA Building (CRB), at Karachi Airport.

M. A. Sharif
MUNIR HUSSAIN SHARIF P-6446
Sr. HR Officer, PIA
F-15176, Email-Sr. HR Officer PIA @piac.aero
Dated 27-07-2018

33

**STATEMENT OF MR. MUHAMMAD ZAHID, P-54682, SR. HR OFFICER
PRECISION ENGINEERING DEPARTMENT**

I, the undersigned having P-54682, as Sr. HR Officer, PLC, deal with Inquiry of employee of Precision Engineering employee.

The case belongs to Mr. Masood Ahmed P-53910, Sr. Project Engineer in Precision Engineering Department, who is alleged violator of Matric Certificate by failing to file Board of Intermediate & Secondary Education, Lahore.

- i) Manager HR Records bearing No HRR(V) CTE 2015/001 dated 09-09-2015 intimated PLC regarding declaration of Matric Certificate in Project in Middle Intermediate & Secondary Education, Lahore in respect of Mr. Maqsood Ahmed P-53910 Sr. Project Engineer in PLC.
- ii) Accordingly, he was issued Show Cause Notice dated 30-09-2015 by GM to invoke the provisions of Section II, Clause 75 (a) of PLA Employee Service & Discipline Regulations 1985 as amended upto date.
- iii) The reply of Show Cause Notice, received through GM SEE, vide his Letter dated 14-10-2015. Brief details of reply is as under:

He informed that he has reported to PLA due to Matriculation examination in 1998 and was promoted to Junior Technician. His present rank is Worker who is only Middle Pass. He further added that in later on he was offered job in employment as Junior Technician in PLC which he accepted and joined the organization as Jr. Technician.

He claimed that he appeared in Matriculation Examination but did not show off the paper in PLC as management was not interested in Matric Project because it was not considered to be one of the best in our Institute. He further clarified that:

Therefore, he is requesting that the alleged Show Cause Notice may be withdrawn as the same was issued by the management with malafide intention and inferior motivation of such practice still continuing in the Corporation due to reducing the strength of the employees. The reply of the alleged employee was considered unsatisfactory by Director, PLC vide his notation at M-4 dated 13-10-2015.

- iv) Therefore case was initiated vide minute-5, dated 14-10-2015 to the concerned authority, the competent authority, decided to dispensed with the holding of enquiry proceeding in his case under Regulation 79(2) of S&D Regulations 1985.
- v) Accordingly Notice for Personal Hearing issued 14-10-2015 to accused employee to appear before Director HR & C on 22-10-2015 at 1500 hours.
- vi) Meanwhile, He submitted an application dated 19-09-2015 before NIRC under Order No 05-10-2015 from PLA in Case No 4(X)35/1-2015 L. The Hon'ble NIRC vide its Order, being 05-10-2015 restrained the PLA from taking any adverse action towards employment of accused on the basis of show cause notice dated 30-09-2015 till the next date of hearing. Hence, the management is at liberty to conduct enquiry if any.

Mr. Maqsood Ahmed
did not sign the above



- (iii) He appeared on the scheduled date and time and was given full and fair opportunity of personal hearing. During the course of personal hearing he did not come forward with any plausible reason which could absolve him from there. Therefore, it is decided by the competent authority to conduct the disciplinary proceedings against him by restraining Order. Order of Note of Person Hearing was issued by Honorable PDC on 01-08-2018 for implementation of his decision w.r.t. effectuation of notice of inquiry.
- viii) Order of Note of Person Hearing was prepared and signed by the Director for Coordination.
- ix) After issuance of Stay Order in the letter from NIRC Management has sought approval to take further action in light of the decision of DDCI v/s T.I. dated 01-06-2017. Therefore, further disciplinary proceedings were re-initiated against him under provision of Section-II clause 7(a) of PLAC Employees (Service & Discipline) Regulations 1985 as amended up to date on account submission of complaint.
- x) On 11-06-2018, it was decided by the Director for Coordination that to complete all disciplinary proceedings of the person who have obtained leave from the honorable court on 27-06-2018.
- xi) Therefore, in compliance with the directive of Chief HR Officer, Legal and Disciplinary proceedings were obtained clearance by DGME (Coordination) Minutes dated 01-06-2018, and advised with the following circular:
- "The enquiry in each case may be conducted as per direction."
- xii) In compliance, further disciplinary proceedings were carried out as communicated vide Show Cause Notice dated 20-09-2018 under Section-II clause 7(a) (d) of PLAC Employees (Service & Discipline) Regulations 1985 as amended upto 01-06-2018 minute-8 dated 21-06-2018.
- xiii) Therefore, Mr. Munir Hussain Shailde P-50416 Manager (Commodity) was referred to the competent authority or Inquiry Officer to conduct hearing in the case of S.M. Maqsood Ahmed, P-53910, St. Project Technician, PLAC with the advice to appear before the Inquiry Officer on 27-07-2018, at 1300 hours at Room No.11-201 Building (CRC), at Karachi Airport. The accused informed that he is out of Station due to death of his brother and premised to participate in the enquiry proceedings of his son at 1300 hrs. However the accused did not participate in the Enquiry proceedings on the scheduled date. Inquiry Officer re-scheduled date Enquiry as 01-08-2018 and he was present on the same place and venue.



MUHAMMAD ZAHID KHAN
St. HR Officer, PLAC
F-53916
Email: St. HR Officer, PLAC@plac.aero
Dated: 01-08-2018

From: Sr Hr Officer PEC/KHI/Pakistan/PIAC
To: Schedules & Network Planning Section/PIAC/Pakistan/PIAC@PIAC
Date: Monday, July 30, 2018 11:21AM
Subject: RE-FTX DATE OF ENQUIRY PROCEEDINGS

35

This has reference your Notice of Enquiry letter dated 23-07-2018, regarding Enquiry proceedings before Inquiry Officer on 27-07-2018 at 1:00 hours, against Mr. Maqsood Ahmed, P-53910, Sr Project Technician, Precision Engineering Department, into the allegations leveled against him.

2. This is to inform you that as per information received from accused In-charge that Mr. Maqsood Ahmed was out of station due to sudden death of his real brother, however the information conveyed to him through mobile, he promised to participate in the enquiry proceeding if reach on time at Karachi. However the accused did not participate in the Enquiry proceedings on the scheduled date.
3. In the light of his genuine problem, it is suggested that give him an other opportunity and re-fix date of Enquiry in his case to participate in the Enquiry proceedings.

MUHAMMAD ZAHID
Sr. HR Officer, PEC
Email: Sr.HR Officer PEC@piac.aero
Ext.45176

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MGRS&NWP/COMM/P-53910/2018

23rd July, 2018

Mr. Maqsood Ahmed
P-53910
Senior Project Technician (PG-IV)
Through: Sr. HR Officer (PEC)

Munir Hussain Shaikh
Manager
Schedules & Network Planning
Commercial Department

NOTICE OF ENQUIRY

1. As per Order of Enquiry passed by the Competent Authority, the undersigned has been appointed as Enquiry Officer to enquire into the allegations / charges leveled against you under Section II, Clause-75 (aj) of PIA Employees Service & Discipline Regulations in 1985, as amended upto date.
2. The charges / allegations are already communicated to you by General Manager (SITE) Precision Engineering Complex letter dated September 30, 2015.
3. Now, in order to proceed further, you are required to appear before undersigned on 27th July, 2018 at 1500 hours in Room No 111 PIA II Building (CRC) - Karachi Airport.
4. You are allowed to bring any documentary evidences/witnesses in your defence (if deemed appropriate) that may assist you during the course of enquiry.
5. However, if you failed to appear on the scheduled date and time prescribed in Para 3 above, ex-parte proceedings will be initiated.

Munir Hussain Shaikh 23rd July, 2018

Manager

Schedules & Network Planning
Commercial Department

Distribution:

General Manager (SITE) PEC
DGM HR (PEC)

→ DGM HR (Records)
→ SURO (PEC)

Please arrange prosecution witness in the case
Please arrange prosecution witness in the case

Maqsood Ahmed
31-7-2018
P. 53910

My husband is not at station due to
death of his son in 2016, and we also
informed him about his Enquiry on 17-07-18.

July 23rd 2018

37

From: Momin Shahzad HII/Pakistan/PIA/dep...
To: S.H.R. Officer PEC/HRD/HII/Pakistan/PIA/dep...
Date: 10/07/2018 11:41:37
Subject: PEC-MCIS DATE OF ENQUIRY - Shoaib Ahmed

Dear Mr. Zahid,

Reference to the subject Enquiry Date of birth of accused Shoaib Ahmed (P-53010) held on 07 Aug 2018 at 1500 Hours.

This is for your information and proceeding case.

Regards,

Momin Shahzad
Manager Commercial
PIA/HRD/dep...

To: Momin Shahzad HII/Pakistan/PIA/dep...
From: S.H.R. Officer PEC/HRD/HII/Pakistan/PIA/dep...
Date: 10/07/2018 11:40:04
Subject: PEC-MCIS DATE OF ENQUIRY - Shoaib Ahmed

This is a reference from Notice of Trial dated 07-07-2018 regarding the proceedings before Enquiry Officer on 07-07-2018 at 1500 hours against Mr. Shoaib Ahmed (P-53010), Sr. Project Technician, Aviation Engineering Department, Interim Office, PIA, against him.

1. This is to inform you that as per information received from accused Shoaib Ahmed who is out of station due to sudden death of his next brother, he was unable to convey to him through mobile, he promised to participate in the enquiry place due to his genuine problem at the time of Karachi. However, the accused failed to participate in the Enquiry proceedings on the scheduled date.

2. In the light of his genuine problem, it is suggested that give him an other opportunity and re-fix date of Enquiry in his case to participate in the Enquiry proceedings.

MUHAMMAD ZAHID
S.H.R. Officer, PEC
Email: S.H.R. Officer PEC@piac.aero
Ext 45176

<http://mail01.piac.aero/mail-spec/rsd/962Hubox/011A96C19BA563452582D9B001AEBA5640perByime> [mailto:[011A96C19BA563452582D9B001AEBA5640perByime">011A96C19BA563452582D9B001AEBA5640perByime](mailto:011A96C19BA563452582D9B001AEBA5640perByime)]

Muaf Shahzad HII

31-7-2018

38

Mr. Munir Hussain Shaikh,
Manager
Schedules & Network Planning
Commercial Department &
Enquiry Officer,
M/S Pakistan International Airline Co,
PIA Head Office, Jinnah International Terminal,
Karachi

Karachi
Dated: 01.08.2018

Subject: NOTICE OF ENQUIRY

Dear Sir,

With reference to your letter dated 08.06.2018 & reply letter of the undersigned dated 23.07.2018 and email dated 31.07.2018 on the referred above subject matter, it is respectfully submitted as under:

1. That the undersigned is permanent workman in accordance with Industrial & Commercial Employment (Standing Orders) Ordinance, 1968 as well as under the provision of Industrial Relation Act, 2012 and performing my specific duties in the PIA since a long time continuously and now performed my specific duties in the capacity of Senior Project Technician in Pay Group-IV.
2. That unfortunately the applicant was served an alleged Show Cause Notice on account of committing misconduct in relation to submitting the bogus/forged educational certificate at the time of his induction in the employment of PIA and the applicant has been submitted his reply and explained the facts. It is further submitted that the applicant was served the alleged show cause notice by the management of PIA under PIA disciplinary Services Regulations, 1985 which regulations are not

applicable on the cases of misconduct committed or to be committed by the employees of PIA as the such Rules/ Regulations of PIA are not statutory under the laws and the law of Industrial & Commercial Employment (Standing Orders) Ordinance, 1968 is fully applicable upon the issues of misconduct if committed or to be committed by the employees of PIA.

3. That after receiving the alleged show cause notice by the applicant and due to serious apprehensions regarding his employment, the applicant had been filed a case before the Honourable Bench of National Industrial Relation Commission Karachi, the Honourable Bench of National Industrial Relation Commission has been passed the final orders in the case vide order dated 18.05.2017 and has been observed in Para No.4 of the said order that "The respondent's Corporation have its own service Rules & Regulations on the basis of which the disciplinary actions have been taken but these Rules and Regulations of the Corporation are non-statutory and in this respect the non-statutory rules could not applicable on the charge of misconduct but the respondent corporation without adhering to the provision of Order 15(4) of the Industrial & Commercial Employment (Standing Orders) Ordinance, 1968 taking actions against the employees of Pakistan International Airline.
4. That the management of PIA has been appointed to you as an Inquiry Officer to hold proceedings against the undersigned in terms of Section 75 (a) & (aj) of Service & Discipline Regulations 1985 as amended up to date but as per directions of the Honourable Bench of Nation Industrial Relation Commission, Karachi vide orders dated 18.05.2017 and directed the management of PIA to hold fair and impartial regular inquiry in

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accordance with Industrial & Commercial Employment (Standing Orders) Ordinance, 1968, as such firstly the alleged show cause notice may be pleased to withdraw or issued the corrigendum then inquiry notice may be pleased to issue in accordance with Industrial & Commercial Employment (Standing Orders) Ordinance, 1968 thereafter hold the impartial & fair regular inquiry in accordance with said Standing Orders Ordinance, 1968.

5. It is further submitted that the procedure of inquiry in respect of committing the alleged misconduct is totally different between the PIA Services & Discipline Regulations, 1985 and Industrial & Commercial Employment (Standing Orders) Ordinance, 1968 as such as per orders of the Honourable Bench of Commission, the inquiry proceeding must be initiate in accordance with Standing Orders Ordinance, 1968. It is further submitted that the contents of your letter shows that you will proceed the matter in accordance with PIA Regulation and the the alleged show cause was also issued in accordance with PIA Regulations, 1985, the procedure of inquiry of two laws & Regulations are totally deferent as such it is required to withdraw the alleged show cause notice thereafter if the applicant was committed any act of misconduct or to be committed then served the show cause notice in accordance with Standing Orders Ordinance, 1968.

You are therefore requested that may be pleased to send my views to the competent authority who has been appointed to you an Enquiry Officer and directed to you to issue the letter of enquiry that the alleged show cause notice may be pleased to withdraw and issue a fresh show cause notice to undersigned under the provision of Industrial & Commercial Employment (Standing Orders) Ordinance, 1968 as per order of the Honourable Bench of National Industrial

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Relation Commission, Karachi and obtain further directives from the competent authority in the light of order dated 18.05.2017 passed by the Honourable Bench of the Commission. You are further requested may be pleased initiate the proceedings in respect of alleged misconduct if any committed or to be committed in accordance with Standing orders ordinance, 1968 only but not in accordance with PIA Regulations, 1989 to meet the end of justice.

Yours sincerely,

Masood Ahmed
MAOSOOD AHMED
Senior Project Technician P-5390
M/S Pakistan International Airline
Karachi

Copy to,
Director Admin/HR
M/S Pakistan International Airline Co.
PIA Head Office
Jinnah International Terminal,
Karachi Airport,
Karachi for information and to implement the decision of
Honourable Bench of National Industrial Relation Commission,
Karachi dated 18.05.2017

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P.E.D.A.

RECD

Precision Engineering
Department

Mr. Maqsood Ahmed
Project Sr. Project Technician
Floor No 1 D-316 Street 19, Block 10
Gulshan-e-Iqbal, Karachi

11/11/2018
2-3-412-2-618

ENQUIRY COMMISSIONER
The Secretary

Through General Manager PLU, Karachi

NOTICE FOR PERSONAL HEARING

1. In view of reference by Show Cause Notice dated 11th September, 2018, addressed to you on the charge of non-submission of an application certificate No. 145 dated 28th May, 2018 and Enrollment No. 155 dated 26th May, 2018 before Board of Intermediate & Secondary Education, Lahore, by you replied before 10th October, 2018 denied the charge of submitting false educational qualification documents of the above Notice from NIRC, Karachi Beach was concerned in action TAKS-1013 dated 10th October, 2018.

2. By direction of the Honorable Vice Chairman of the Board, the Show Cause Notice dated 11th September, 2018 was referred to the Director Project Engineering Department for appropriate action under the Public Sector Employees Services & Disposal of Grievances Regulations 1985 as amended up to date. Therefore, in order to enquire into the allegations a departmental inquiry was conducted which was notified vide Notice of Inquiry No. MHRSC/NSP/CON/EP-33910 dated 17th July, 2018 participated in the inquiry. A per conduct of Inquiry Report you have been accordingly informed. Let it be known that the entire inquiry of the hearing of the facts has been completed by you in accordance with the relevant laws of your Division from PLACI Sargodha.

3. In compliance of Orders dated 21st July 2018 passed by the Honourable Supreme Court of Pakistan in HRC No. 3545, 2018 your case is finding. The allegations contained in Show Cause Notice are proved. You are hereby kindly called upon to furnish as to whether you are dismissed from service or removed from the post of project engineer which offered in open entry examination of the Directorate of PLACI Sargodha or not. Your answer is required within 15 days.

4. It is directed to you to turn up for personal hearing at the office of the Director Project Engineering, PLU, Lahore on 10th October, 2018 at 10:00 AM. The same will be held in the presence of the Director Project Engineering.

To: Director Precision Engineering
Cc: General Manager PLU/SEI
Cc: General Manager Legal Services
Cc: Head of Unit Labour IR
Cc: Project Officer PLACI Sargodha

Kindly attend the personal hearing
on 10th October, 2018 at 10:00 AM.

S. A. Mujtaba H. Naqvi
Dy. General Manager (H)

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DGMHR/PLC/P-53910/19
January 09, 2019

NOTE OF PERSONAL HEARING

This has reference to disciplinary proceedings initiated against Mr. Maqsood Ahmed, P-53910, Sr. Project Technician, Precision Engineering Department, on account of submission of Bogus Matriculation Certificate in PIA.

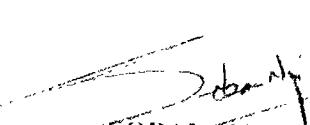
2. Mr. Maqsood Ahmed, P-53910, was served with Show Cause Notice on the above said misconduct by General Manager PLC vide letter No.GM(SER) P-53910/2015 dated 30-09-2015. In response, he submitted in written reply dated 02-10-2015, which was found unsatisfactory. Moreover, HR Unit PLC received a Notice alongwith Order from NIRC in Case No.4A(352)/2015-K / 24(366)2015-K filed by Mr. Maqsood Ahmed, P-53910. The Hon'ble NIRC vide its Order dated 05-10-2015 restrained PIA from taking any adverse action towards employment of the petitioner on the basis of above referred show cause notice dated 30-09-2015. Now the stay order stands vacated.

3. A departmental inquiry was ordered and the accused was advised to appear before Inquiry Officer, wherein he participated. As a result of inquiry proceedings he was held guilty of the charges leveled against him.

4. Accordingly, he was issued Notice of Personal Hearing vide letter dated 27-12-2018 to appear before the undersigned on 31-12-2018 at 1400 hours, to explain the reasons as to why proposed punishment should not be imposed upon him. During the course of personal hearing he could not defend himself from the charge.

5. After taking into consideration all the facts of the case it is obvious that he submitted a bogus document regarding his educational qualification in PLACT. Therefore, by exercising the powers vested to undersigned through PIA Schedule of Powers, Chapter 05 Clause 5.30 (g) and Admin Order No.97/84 dated 22-02-1984 I, hereby dismiss Mr. Maqsood Ahmed, P-53910, Sr. Project Technician, PLC from the service of PLACT.

6. Dy. General Manager HR PLC is directed to implement the above order.


SOBAN NAZIR SYED
As Vice Marshal
Dy. S. for Precision Engg
Chief HR Officer

ISLAMABAD HIGH COURT
WRIT BRANCH

W.P.C. No. 1098 - 1448 - 19.

Masood Ahmed Versus Full Beach NIRC adw

Petitioner/Appellant Represented by	Respondents Represented by
Abdul Hafeez Amyad adv	Siddique & Kabir Abbasi

SERVICE COMPLETION CERTIFICATE

Date of Order of Court	16-01-19
Status of Report & Date of Committal Report	Comments by R-3 added.
Date of Submission	
Costs Recd.	
Date of Filing/Service	
Notice/Letters	
Whom/Where Notices etc	
Sent	
Date of Receipt of Notices	
Report	Notices could not issued due to Non-deposit of process fee 18-05-19
→ Powers of Attorney by Respondent. 17-01-19	