

10  
Form No: HCJD/C-121.

**JUDGEMENT SHEET**

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

W.P. No. 50 of 2019

Ashraf Khan

***Vs***

Full Bench of National Industrial Relations Commission and 3 others.

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

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

**ATHAR MINALLAH, J.-** The petitioner is an employee of Oil and Gas Development Company Limited (hereinafter referred to as the "***Company***"). He has invoked the jurisdiction of this Court assailing orders passed by the learned Single Member and the learned Full Bench of the National Industrial Relations Commission (hereinafter referred to as the "***Commission***").

2. The facts, in brief, are that the petitioner was appointed on daily wage basis vide order, dated 26.12.1981. He was later re-designated vide order, dated 29.06.1990. His probation period was terminated and his services were confirmed vide order, dated 01.03.1991. He claims to be an active member of one of the trade unions of the Company. He was served with charge sheet, dated 09.03.2017 whereby on the basis of letters received from the Board of Intermediate & Secondary Education, Sargodha, it was alleged that the Secondary School Certificate submitted by him at the time of his appointment was not genuine. The petitioner filed a reply but simultaneously challenged the charge sheet before the Commission.

28

His petition was dismissed by the learned Single Member vide order, dated 15.11.2017. His appeal was also dismissed by the learned Full Bench vide judgment, dated 31-12-2017.

3. The learned counsel for the petitioner has been heard at length. He has argued that the disciplinary proceedings initiated against the petitioner are based on malafide. He has stressed that there is a genuine apprehension that the petitioner would be terminated from service in a perfunctory manner.

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

5. A bare perusal of the charge sheet shows that it has been issued on the basis of a letter received from the concerned Board in response to a query which was made regarding the educational certificate submitted at the time of appointment. There is nothing on record to suggest that the proceedings have been initiated on the basis of malafide. Moreover, issuance of charge sheet was challenged on the basis of mere apprehensions. The learned counsel for the petitioner despite his able assistance could not show that the charge sheet was issued based on malafide. There is also no force in the argument that the Company intends to terminate the employment of the petitioner in a perfunctory manner. Needless to mention that the Company is under an obligation to observe the principles of due process before passing an adverse order, particularly if it affects the livelihood of an employee. The concurrent findings have not been found to suffer from any legal infirmity requiring interference while exercising jurisdiction under Article 199 of the Constitution.

30

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

**(CHIEF JUSTICE)**

*Asif Mughal\**