

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Writ Petition No.2926/2019.

All Pakistan Telecom Foundation Workers Union through its General Secretary

Versus

The Learned Chairman, NIRC, Islamabad, etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	19.08.2019.	Mr. Zubair Shah, Advocate for petitioner.

Through this writ petition the petitioner has assailed the order dated 06.08.2019, passed by Chairman NIRC, whereby interim status quo order has been withdrawn in appeal No.12B(39)/2019.

2. Learned counsel for the petitioner *inter-alia* contends that petitioner is All Pakistan Telecom Foundation Workers Union, who has filed application to the Registrar Trade Union (RTU) against the officials of CBA who are receiving the union fund beyond notified rate and amount and in this regard they are guilty of embezzlement; that RTU vide order dated 16.07.2018 issued direction to the management to deduct the fund of the union members in accordance with the constitution but said order was assailed in appeal whereby Chairman, NIRC has passed the restraining order interim relief which was recalled without any valid reason; that appeal is pending and if referendum proceedings have not been stayed the democratic right of petitioner as well as other unions has been jeopardized.

3. Arguments heard, record perused.

4. Perusal of record reveals that petitioner is mainly aggrieved with the illegal deduction of union fund from members of union and as such an inquiry was conducted on the direction of Chairman NIRC which further confirms the stance of the petitioner however, inquiry officer i.e. Deputy Registrar vide its report dated 09.07.2019 recommended certain actions, whereby complaint U/S 72 of IRA, 2012 against Farooq Khan, General Secretary of CBA and Muhammad Tariq, Secretary Finance TFU Lahore was recommended to be filed before NIRC.

5. Learned counsel for the petitioner has been confronted as to whether said complaint has ever been filed, in response to query learned counsel for the petitioner contends that complaint has been filed and the same is pending before NIRC.

6. Keeping in view the above background, there is no reason to pass any order as appropriate remedy has been initiated, therefore, instant writ petition stands disposed of with direction to the learned Bench NIRC seized with the complaint filed by the Deputy Registrar, NIRC on the recommendation of report dated 09.07.2019 to conclude the complaint proceedings within period of 60 days, however, the separate referendum proceedings which are under process shall continue.

(MOHSIN AKHTAR KAYANI)
JUDGE