

BEFORE FULL BENCH,
NATIONAL INDUSTRIAL RELATIONS COMMISSION,
ISLAMABAD

Before:- **Mr. Abdul Rasool Memon, Learned Chairman**
Mr. Abdul Qayyum Khan, Learned Member,
Syed Noor ul Hassnain, Learned Member,

Appeal No.12A(12)/2022P

Farhad Ali Vs. Servis Shoes

Present:- Mr. Bilal Ahmed Kakazai advocate for the appellant
 Mr. Waqar Khalil advocate for the respondent.

ORDER

29-11-2023

Through the instant appeal filed under Section 58 of the IRA, 2012 the appellant has assailed the order dated 05-08-2022 passed by learned Single Member, NIRC Peshawar Bench by virtue of which learned Single Member has disposed of the application for implementation of order dated 24-06-2021 with the direction to the appellant that he may join duties and after getting one or two salaries, if back benefits, were not released he can approach this bench. The said observation is not justified keeping in view the order dated 25-11-2021 passed by the then learned Chairman by virtue of which the respondents were directed to reinstate the applicant at the place wherefrom he has been terminated at Peshawar and regarding payment of back benefits the respondents shall pay back benefits after calculation by excluding the period which according to them the applicant was working in some other establishment which will be finally adjudicated by the Court.

Since in the said order there was no direction to the appellant to join the respondent establishment and to perform duty for one or two months, hence, the observation of the learned Single Member is not sustainable as the appellant was not bound to join the duty and get one

or two salary, therefore, the impugned order dated 05-08-2022 is set aside, the matter is remanded to the learned Single Member, NIRC Peshawar bench with the direction to comply with the order dated 25-11-2021 in letter and spirit. The appeal stands disposed of in the above terms.

(Abdul Rasool Memon)
Chairman

(Syed Noor ulHassnain)
Member

(Abdul Qayyum Khan)
Member

Shafique.