

BEFORE FULL BENCH,
NATIONAL INDUSTRIAL RELATIONS COMMISSION,
ISLAMABAD

Appeal No.12R(12)/2023

Before:- **Mr. Abdul Rasool Memon, Learned Chairman**
Mr. M. Zubair Khan, Learned Member,
Mr. Shabbir Hussain Awan, Learned Member,

M. Nadeem Akhtar etc. Vs. RTU

Present:- Mr. M. Akram Bunda labour representative for the
appellant

ORDER

08-09-2023

The appellants who claim themselves as ex-office bearers of All Pakistan Sports Board Employees Union have assailed the order dated 24-01-2023 passed by the learned Single Member wherein the internal election of the union namely '**All Pakistan Sports Board Employees Union**' was approved on the application of the respondents and the General secretary of the applicant union was directed to present the same register for approval of internal election, amendments proceedings etc. wherever required.

2. The said approval was allowed vide order dated 24-01-2023. The copy of the order was applied by the present appellant on 28-02-2023 and delivery was made on the very same day and the appeal has been filed on 13-03-2023 with a delay of 17 days. The office has raised objection to the maintainability of the appeal on the ground of barred by time. The labour representative of the appellants was confronted with this situation and was asked to satisfy regarding delay in presenting this appeal. His contention is that he has filed an application under Section 5 of the Limitation Act, which is annexed with this appeal and in ground-7 of the said application it is stated that the date of knowledge of the impugned order is actually 28-02-2023 and this application is supported by affidavit of one M. Naeem Security Guard

and in this appeal there are seven appellants and no affidavits of other appellants have been filed.

3. It is settled law that law of limitation reduces an effect of extinguishment of a right of party when significant lapses occur. It is settled law that when no sufficient cause for such lapses, delay or time barred action is shown by the defaulting party, the opposite party is entitled to a right accrued by such lapses. This dictum is laid down in a case titled as Chief Engineer, Gujranwala Electric Power Company (GEPCO), Gujranwala vs. Khalid Mehmood and others 2023 PLC 65. It is also held by our superior Courts that delay of each day is to be explained with sufficient explanation. PLC 2023 (CS) 1310.

4 Keeping in view of above dictum laid down by our superior Courts, the explanation given by the appellants if is considered ^{even} then it does not appear plausible because mere mentioning that they came to know regarding approval of the internal election on 28-02-2023 is not sufficient. The appellants have failed to show source through whom and in what manner they came to know regarding approval of the internal election on 28-02-2023 and thereby they have failed to show sufficient or good cause. Mere mentioning that they came to know regarding approval of internal election on 28-02-2023 cannot be termed as sufficient cause or date of knowledge.

5. In the above circumstances without touching the merits of the case the application under Section 5 of Limitation Act, is dismissed alongwith the appeal on the point of limitation. File be consigned to the record room after due completion.

Announced.

(Abdul Rasool Memon)
Chairman

(Shabbir Hussain Awan)
Member

(M. Zubair Khan)
Member