

BEFORE FULL BENCH,
NATIONAL INDUSTRIAL RELATIONS COMMISSION,
ISLAMABAD

Appeal No.12R(76)/2022

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

Siddique Sons Employees Union Vs. RTU etc.

Present:- Nemo for the appellant
Hafiz Bukhtiar Ahmed learned counsel for the respondent.

ORDER

08-09-2023

Notice of intimation has been sent to the appellant but even though no one is present on behalf of the appellant. The office has raised objection and so also learned counsel for the respondent has point out that the impugned order which is assailed in this appeal was passed on 14-12-2021 and he has also taken us on the foot of the impugned order where it is mentioned that application for certified copy of moved on 10-05-2022 and copy was prepared and delivered on 31-10-202 and the appeal has been filed on 30-11-2022 after a delay of about 05 months and 26 days. The record reveals that no application for condonation of delay has been annexed with this appeal and no sufficient cause has been shown for such a long delay.

2. The appellant despite of filing of this appeal is not pursuing it and it is settled law nowadays that the Court is obliged to independently advert to the question of limitation and determine the same and take cognizance of delay without limitation having been set up as defence by any party. In this respect Section 3 of Limitation Act can be taken into consideration so also this dictum has been laid down in a case reported as 2023 PLC 65.

3. In view of the above dictum laid down by the honourable Supreme Court of Pakistan we take cognizance of the aforesaid

limitation and as there is no application for condonation of delay or any cause shown therein, the appeal appears to be time barred, stands dismissed accordingly without touching the merits of the case. File be consigned to the record room after due completion.
Announced.

(Abdul Rasool Memon)
Chairman

(Shabbir Hussain Awan)
Member

(M. Zubair Khan)
Member

Shafique.