

NATIONAL INDUSTRIAL RELATIONS COMMISSION

Peshawar Bench Peshawar

Before: Muhammad Zubair Khan, Member

Case No. 4B (38)/2023-P

Qaiser Waseem S/o Abdur Razaq R/o Basti Ustrana Shumali
District D.I. Khan.....
Petitioner

Versus.

President, Muslim Commercial Bank Head Office Karachi and
another.....Respondents

ORDER

13.09.2023

Case file received through post on 11.09.2023, the same has been registered.

2. Petitioner submitted this petition u/s 33 of the Industrial Relations Act, 2012 against impugned termination order dated 04.05.2020, contending therein that he was appointed as Teller Services Officer at OG-IV vide order dated 04.11.2019, annexure-A; that the respondents on the allegation of tempered DMC of Bachelor of Arts initiated disciplinary proceedings and ultimately, he was terminated from service vide order dated 04.05.2020 against which he filed a writ petition No. 202-D of 2020 which was sent to competent authority of Gomal University and the Controller of examination of Gomal University by admitting their mistake corrected the record and issued fresh certificate to the petitioner which was submitted to respondents, and thereafter the petitioner filed a civil suit before Senior Civil Judge

D.I. Khan which was turned down and then he filed a civil revision which was accepted and plaint of the petitioner was returned to him, thereafter he file a writ petition in the Peshawar High Court D.I. Khan Bench which was converted into grievance notice and the same was sent to the respondent bank which was rejected vide order dated 04.08.2023 hence filed this petition by praying that this petition be accepted and the termination order dated 04.05.2020 be set aside and he be reinstated in service with all back benefits.

3. Perusal of the record reveals that the petitioner has filed this petition u/s 33 of the Industrial Relations Act, 2012. According to section 33 of ibid Act, a worker may bring his grievance in respect of any right guaranteed or secured to him by or under any law or any award or settlement for the time being in force to the notice of his employer in writing, either himself or through his shop steward or collective bargaining agent within 90 days of the day on which the cause of such grievance arises. But in the case in hand, the petitioner was terminated from service on 04.05.2020 against which he filed a writ petition before the High Court. It is settled principle of law that grievance petition under section 33 would be time barred when grievance notice was not given by petitioner within prescribed limitation. Reliance is placed on case law reported as 2017 TD (Labour) 244. It is well settled law that the party approaching Court of competent jurisdiction for redress of grievance beyond specified period of limitation is bound to explain each day's delay to the satisfaction of respective forum

because a valuable right accrues to the other side. In this regard reliance is placed on case law reported as 2007 TD (Labour) 27.

In view of the above the present petition is badly time barred, hence the same is dismissed. Copy of this order be sent to the petitioner through registered post. File be consigned to record room.

Announced in the open court

(Muhammad Zubair Khan)
Member

Certificate:

Certified that this order consisting of three pages. Each page is corrected and signed.

(Muhammad Zubair Khan)
Member

Ifthikhar