FEDERAL CONSTITUTIONAL COURT OF PAKISTAN
(Original/Appellate/Advisory/Review Jurisdiction)

Present:
JUSTICE AMIN-UD-DIN KHAN, CHIEF JUSTICE
JUSTICE ALI BAQAR NAJAFI

F.C.P.L.As.1781 & 1782/2026
[against the judgment dated 06.05.2026 passed by the Islamabad High Court, Islamabad in W.P. No.1739 & 1738/2025]

NBP Workers Welfare Union, through its Secretary General ***...Petitioner***

Versus

Full Bench, National Industries Relations Commission & others ***...Respondent(s)***

For the Petitioner	:	Dr. G.M. Chaudhry, ASC
For Respondents No.3-5	:	Mr. Khalid Ismail, ASC
Respondents No.1-2	:	Proforma respondents
Research Assistance by	:	Dr. Muhammad Mumtaz, *Research Officer*
Date of Hearing	:	15.10.2026

JUDGMENT

AMIN-UD-DIN KHAN, CJ.- These petitions have been filed under Article 175(F)(1)(C) of the Constitution of the Islamic Republic of Pakistan, 1973 challenging the judgment dated 06.05.2026 passed by the Islamabad High Court in Writ Petition Nos. 1739 & 1738/2025, whereby the writ petitions filed by the petitioner were dismissed.

2. The brief facts giving rise to the controversy are that the petitioner, being the duly elected Secretary General of the NBP Workers Welfare Union (Punjab-Islamabad CBU), sought amendments to Articles 1 and 11 of the Union Constitution, which were approved by respondent No. 2 vide order dated 19.12.2023. Aggrieved thereby, respondents Nos. 3 to 5 preferred an appeal before NIRC, which was allowed vide order dated 01.07.2024, setting aside the approval and remanding the matter for fresh decision after affording an opportunity of hearing to all concerned

stakeholders. The petitioner assailed the appellate order before the Islamabad High Court through Writ Petition Nos. 1739 & 1738/2025, principally invoking section 58(2)(a) of the Industrial Relations Act, 2012. The learned High Court dismissed the petitions vide judgment dated 06.05.2026. Hence, the instant petitions.

3. We have heard learned counsel for the parties and perused the record in the light of the relevant law.

4. The principal question requiring determination is whether the appellate jurisdiction conferred upon the Full Bench of the National Industrial Relations Commission (NIRC) under section 58 of the Industrial Relations Act, 2012 (hereinafter referred to as "the Act"), necessarily includes the incidental power to remand a matter for fresh adjudication, notwithstanding the absence of express statutory authorization. The petitioner contends that, in the absence of an explicit provision empowering remand, the Full Bench exceeded its statutory jurisdiction, rendering the appellate order without lawful authority.

5. It is a recognized principle of statutory interpretation that the conferment of appellate jurisdiction carries with it such incidental and ancillary powers as are reasonably necessary for its effective exercise, unless excluded by express provision or necessary implication. The maxim *quando lex aliquid concedit, concedere videtur et id sine quo res ipsa esse non potest* embodies the principle that a statutory grant includes powers indispensable to its execution. Accordingly, the authority to set aside, vary or modify an order may, by necessary implication, encompass the power of remand where procedural infirmities or deficiencies in factual adjudication necessitate reconsideration by the original forum. The mere absence of an express provision authorizing remand does not, *ipso facto*, negate such power, provided its exercise remains ancillary to the appellate jurisdiction conferred under section 58 of the Act and is consistent with the statutory scheme.

6. Applying these principles, the Full Bench, while setting aside the order dated 19.12.2023, remitted the matter for fresh adjudication of the proposed amendments to the Union Constitution after affording an effective opportunity of hearing to all concerned stakeholders. The appellate forum neither adjudicated the rival claims on merits nor expressed any conclusive opinion affecting the substantive rights of the parties. The remand was essentially remedial in character, intended to cure procedural deficiencies and ensure compliance with the principle of *audi alteram partem*. Such direction, being incidental to the lawful exercise of appellate jurisdiction under section 58 of the Act, cannot be characterized as *coram non judice* merely for want of express statutory authorization. Any contrary construction would unduly restrict the remedial efficacy of appellate jurisdiction and subordinate substantive justice to procedural technicalities.

7. A distinction must be drawn between inherent lack of jurisdiction and an erroneous exercise of jurisdiction otherwise lawfully vested in a statutory forum. While the former renders proceedings *coram non judice*, the latter does not, *ipso facto*, invalidate the resulting order. The Full Bench admittedly possessed appellate jurisdiction under section 58 of the Act, and its direction for fresh adjudication cannot be construed as an assumption of jurisdiction beyond its statutory competence. The absence of an express provision for remand does not necessarily exclude such incidental authority where the appellate forum is empowered to set aside, vary or modify an order and remand is reasonably necessary for the effective exercise of that power. We are, therefore, persuaded to hold that the impugned remand order, being ancillary to the appellate jurisdiction lawfully exercised, discloses no jurisdictional infirmity warranting interference by this Court.

8. Furthermore, the controversy involves disputed questions concerning the Union's elections, membership, constitutional amendments and rival claims to office, requiring examination of the relevant record and, where necessary, appreciation of evidence. Such matters fall primarily within the adjudicatory competence of the specialized statutory forum. Constitutional jurisdiction, being

supervisory rather than appellate in character, cannot ordinarily be invoked to undertake a fresh determination of contested factual issues, particularly where the competent statutory forum remains seized of the controversy.

9. In these circumstances, the learned High Court rightly declined interference with the remand order, which neither finally adjudicated the substantive rights of the parties nor occasioned any irreparable prejudice. The impugned judgment suffers from no jurisdictional infirmity, material illegality or misapplication of law warranting interference by this Court. We, therefore, find no legal justification to disturb the conclusion reached by the learned High Court.

10. For the foregoing reasons, we find no ground warranting grant of leave to appeal. Consequently, leave is refused and the petitions are dismissed. The impugned judgment dated 06.05.2026, passed by the Islamabad High Court, is accordingly maintained. The competent statutory forum shall adjudicate the remanded matter afresh, strictly in accordance with law, after affording an effective opportunity of hearing to all concerned, uninfluenced by any observations made herein concerning the merits of the controversy. No order as to costs.

CHIEF JUSTICE

JUDGE

Islamabad,
15.10.2026
APPROVED FOR REPORTING
RajaAhsan/-