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

PRESENT:
Justice Ali Baqar Najafi
Justice Rozi Khan Barrech
Justice Syed Arshad Hussain Shah

C.P.L.A. No.5070 of 2023
[against the impugned judgment dated 24.10.2023 passed by the Islamabad High Court, Islamabad in Writ Petition No.1981 of 2022]

Pakistan Telecommunication Company through its General Manager .... Petitioner (s)

Versus

The Full Bench NIRC & others .... Respondent

For the Petitioner(s) : Mr. Ali Nawaz Khan, ASC
Mr. Nouman Ahmad, Manager Legal PTCL

For the Respondent(s) : Nemo.

Date of Hearing : 05.11.2026

JUDGMENT

ALI BAQAR NAJAFI, J. Through this Petition under Article 185(3) now 175-F(1)(c) of Constitution of the Islamic Republic of Pakistan, 1973 [**the Constitution, 1973**], leave to appeal is sought against the order dated 24.10.2023, whereby, the Writ Petition filed by the petitioner was dismissed, upholding the concurrent findings recorded by the Full Bench NIRC as well as Single Bench of NIRC in favour of the respondent No.3.

2. **Briefly,** the facts giving rise to the filing of this petition are that the respondent No.3 was appointed as "Colley" on daily wages on 1st January, 1996, whereafter, he was appointed as "Cable Jointer" in the company on 06.12.2004. He then approached the Labour Court on 26.07.2010 by filing a Grievance Petition under Section 37 of the Punjab Industrial Relations Ordinance, 2010 read with Standing Order 1(b) of the Standing Orders Ordinance,

1968 to declare him as a permanent workman which was allowed on 18.05.2011 and the petitioner was directed to not only regularize his service, but also to declare him a permanent employee. However, the Full Bench NIRC on 28.10.2019 had remanded the Grievance Petition to the single Bench NIRC to take a fresh decision. Since the order dated 18.05.2011 was passed during the interregnum period when Industrial Relations Act, 2008 had ceased to exist and was replaced by Industrial Relations Act, 2012. The Single member of NIRC accepted the Grievance Petition on 13.04.2021 against which the appeal was also dismissed by the Full Bench NIRC on 20.06.2022. After that the Writ Petition was filed, which too was dismissed on 24.10.2023. Hence, this petition.

3. **After hearing** the learned counsel for the petitioners, it is straightaway observed that primarily the two legal questions were raised i.e. (i) the filing of a Grievance Petition after 14 years, and (ii) the order to declare the respondent No.3 as regular employee. However, as to the first question, we have noticed that notwithstanding the delayed filing of Grievance Petition the petitioner **[PTCL]** cannot be absolved of its duty to comply with the provisions of Standing Orders Ordinance, 1968 by acknowledging the statutory right of the respondent No.3 as a workman and non-conferment of his status as permanent workman and non-recognition of a workman would provide a continuous cause of action. The inaction or non-service of a grievance notice after the first lapse of daily wages period was obviously a strategy as well as prudent decision on his part, who otherwise would have invited a wrath of the employer for termination showing his displeasure for his demand. A regular employee might have cost him his employment. Even otherwise, it is not denied that the respondent No.3 was appointed as daily wager who continued the job without any break since 1996. He remained the employee of the petitioner for more than 14 years working against the job of a permanent nature.

4. As to the second point, it is obvious that the prayer of the respondent No.3 was to grant him the status of a permanent workman which is defined under Standing Order 1(a) in the

schedule to Standing Orders Ordinance, 1968, according to which, the workmen are permanent, probationer, bundles, temporary, apprentice, contract worker, which means he should have been engaged in work of a permanent nature likely to last for more than nine months and has satisfactorily completed a probationary period of three months. Besides, under Section 33(1) of the Industrial Relations Act, 2012 and Section 33 of the Punjab Industrial Relations Act, 2010 the grievance notice was issued on 09.06.2010 by the respondent No.3 to the petitioner asking them to acknowledge him as permanent workman. However, we also hold that the NIRC cannot regularize an employee of the petitioner as there is a distinction between regularization and conferment of a permanent status to an employee, in service.

5. In this view of the matter, we do not find any merit in this case, hence leave is **refused** and this petition is **dismissed.**

JUDGE

JUDGE

JUDGE

Islamabad
05.11.2026
'Not Approved for Reporting'
Adeel