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ORDER SHEET
IN THE LAHORE HIGH COURT, LAHORE
(JUDICIAL DEPARTMENT)

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Lahore High Court, Lahore

W.P. No. 38943/2025

Raj Kumar, etc.

Versus

NIRC and others.

S.No. of order/ Proceeding	Date of order/ Proceeding	Order with signature of Judge and that of parties or counsel, where necessary.
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20.01.2026	Mr. Allah Nawaz Khosa, Advocate for petitioner. Mr. Muhammad Bilal Munir, Advocate for NTDC.
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For the reasons recorded in judgment of even date passed in connected W.P. No. 51156/2025, instant petition is also allowed in terms thereof.

M. Nadeem

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Asim Hafeez 16/2/26
(HEAD EXAMINER)
Copy Supply Section (Copy Branch)
Lahore High Court, Lahore

(Asim Hafeez)
Judge

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Authorized Under Article 87 of
Qasim-e-Shahadat Order 19

Copy Petition No.:

105492

Submission Date:

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Judgment Sheet
IN THE LAHORE HIGH COURT LAHORE
(JUDICIAL DEPARTMENT)

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W.P. No. 51156 of 2025

National Transmission & Despatch Company, Limited (NTDC)

Versus

National Industrial Relations Commission (NIRC) and others.

JUDGMENT

Date of hearing	20.01.2026
For petitioner	Mr. Muhammad Bilal Munir, Advocate. Mr. Allah Nawaz Khosa, Advocate in W.P. No. 38943/2025.
For the Respondents	Mr. Salman Riaz Ch, Advocate.

ASIM HAFEEZ, J. This and connected constitutional petitions, bearing W.P. No.51150/2025 and 38943/2025, arise out of a single/consolidated judgment of 23.04.2025, handed down by esteemed Full Bench of National Industrial Relations Commission Islamabad [NIRC], whereby the decision by learned Single Member (NIRC), allowing grievance petition(s), instituted by Razaqat Karamat and others and by Arifa Noor and others under section 33 of the Industrial Relations Act, 2012 (Act 2012), was maintained / affirmed. Grievance in essence relates to the seniority list of the cadre belonging to the Audit Assistants and Stock Verifiers – Seniority list under reference was of 06.05.2021.

Factual matrix.

2. Background facts are that services / contractual employment of the Audit Assistants and Stock Verifiers were regularized vide office order of 30.07.2018 and effect of regularization of services was made

effective from the date(s) of initial appointment. Dispute arose when inter-se seniority was determined in accordance with the order of merit assigned to contractual employees, at the time of their selection as Audit Assistants and Stock Verifiers. Aggrieved employees took their grievance to Single Member (NIRC) under the Act 2012, where their interpretation of Office order was accepted and said decision was maintained by the Full Bench, which further maintained that regular appointment could not be subjected to the Pakistan WAPDA Audit Employees Service Rules 1982. In this background instant and connected petitions are filed. Some employees have separately instituted W.P. No. 38943/2025 expressing grievance against the decisions of Full Bench NIRC – who advocated the stand pleaded by the employer – [NTDC].

Submissions respectively made.

3. Learned counsel for the petitioner submits that seniority list was prepared in accordance with the mandate of Rule 10(A)(1) of NTDC Audit Service Rules, 2006 (Rules 2006), which is *peri-materia* of Rule 10(A)(I) of the Pakistan WAPDA Audit Service Rules 1982.

Adds that Full Bench and Single Member NIRC misconstrued the policy of Regularization and undermined the application of Rules 2006.

4. Conversely, learned counsel for respondent(s) employees – beneficiaries of the orders assailed - advocated that regularization is a fresh appointment, which shall take effect from date(s), respectively mentioned in the Office order of 30.07.2018, which *inter alia* was the date of appointment(s) of regularized employees. Learned counsel

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relied on Office Order No.27060-76 dated 19.12.2006 [Subject: Regularization of Contract Staff] to emphasize that contract services would be regularized from the date of initial appointment of contract. Learned counsel referred to cases reported as "Mohsin Raza Gondal and others Vs. Sardar Mahmood and others" (2025 SCMR 104), "Vice Chancellor Agriculture University, Peshawar and others Vs. Muhammad Shafiq and others" (2024 SCMR 527), "Bashir Ahmed Badini, D&SJ Dera Allah Yar and others Vs. Hon'ble Chairman and Member of Administration Committee and Promotion Committee of Hon'ble High Court of Balochistan and others" (2022 SCMR 448).

5. In exercise of right of rebuttal, learned counsel for petitioner submits that Rules 2006 were adopted upon approval by NTDC Board of Directors vide agenda item # 3 of 31st BOD meeting dated 26th July 2007. Reference is made to the case of "Divisional Superintendent Pakistan Railways, Rawalpindi and others Vs. Syed Usman Ali and others" (2021 SCMR 1008).

Analysis / determination.

6. Heard. Record perused.

7. Regularization of an employee in services or against a post constitutes conferment of a new status/position, often classified as a fresh employment as regular employee. This is a settled opinion, legally and precedentially. What would be an effective date of regularization is primarily determinable in terms of the regularization policy invoked – which varies from case to case. In the cases at hand regularization was ordered by virtue of Office order 30.07.2018, whereby contract employees, comprising of Audit Assistants and

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Stock Verifiers, were declared on regular cadre with effect from the date of their initial appointment – effective date was specified against each employee, identified therein. Context and text of Office order depicts that regularization was made effective with retrospective effect – there is no controversy regarding retrospective effect of regularization. Besides other things, retrospective effect of regularization suggests and implies that employees, regularized through Office order, are and would be treated as regular employees since their first day of appointment and same are entitled to all benefits and perks, according to the terms and conditions of regularization policy and likewise subject to the rules, regulations and terms and conditions of service, which includes seniority inter-se the cadre or otherwise as the case may be – [seniority being one of the terms and conditions of service]. Office order, does not reflect that seniority of regularized employees would be determined otherwise, that is outside the scope of applicable rules and regulations. There is no cavil that regularization of service(s) would take effect from a specific date; be it order of regularization or date of appointment, depending upon the dictates of regularization policy. Key question is whether effective date of regularization, which is the date of appointment in the context of Office order 30.07.2018, was intended and would be taken / construed as date for determining seniority *inter-se*. And why not the regularization, with retrospective effect, can be treated as *initial appointment* of an employee, having a status of a regular employee. Hypothetically, if employees before this court were initially appointed as regular employees, through the appointment

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order(s), from the date(s) same claimed appointment as contract employees; such appointment, for all intent and purposes, would be an initial appointment. And why not the regular appointment of the employees be treated as initial appointment in the context of circumstances of instant case. Yes, it was treated as an initial appointment and words to that effect was mentioned in the Office order of 30.07.2018 – expression employed was, *'the following NTDC employees appointed on contract basis are hereby declared on regular cadre with effect from the date of their initial appointment mentioned against each;*'. This signifies an intent to extend regularization of services the status of an initial appointment. Employees cannot simultaneously seek benefits of retrospectively extended regularization and avoid application of seniority rules, devised for reckoning seniority in cases of an initial appointment. Regularized employees cannot escape or avoid application of Rule 10(A)(1) of Rules 2006 – [appointment of respondents was made in 2016, therefore, service rules of NTDC would apply for the purposes of resolving the controversy] – in terms whereof seniority would be determined on the basis of merit assigned by the appointing authority at the time of selection. Rationally, regularization cannot be directed or effected in accordance with the merit(s) assigned but to be effective from a specific date. Plea of the respondent(s) employees, if acknowledged, would create an anomalous situation, suggesting effectiveness of regularization retrospectively but treatment of regular employees differently and contrary to the mandate of Rules, 2006. *There is no plausible justification to exclude applicability of Rule*

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10(A)(1) of Rules 2006, in aforesaid circumstances. Office order of 30.07.2018 cannot be construed to exclude the applicability of Rule 10(A)(1) of Rules 2006, in absence of any contextual, textual or legal support.

8. Office order of 19.12.2006, relied upon by respondents, extends no support to claim seniority from the date of regularization. Even in terms of office order of 19.12.2006 it was mentioned that seniority would be refixed. No support could be claimed upon quoting "Mohsin Raza Gondal and others" (supra). Likewise, Vice Chancellor Agriculture University, Peshawar and others" (supra) extends no support to justify and affirm the orders hereby assailed. Case of "Bashir Ahmed Badini, D&SJ Dera Allah Yar and others" (supra) was decided in different facts, context and circumstances.

9. Both, single Member and Full Bench erred in law while declaring inapplicability of the rules / criterion governing seniority and misinterpreted the case of Bashir Ahmed Badini, D&SJ Dera Allah Yar and others (supra).

10. In view of aforesaid, this and connected petitions are allowed and decisions dated 27.05.2024 and 23.04.2025, respectively passed by Single Member and Full Bench NIRC are hereby set aside, and consequently, grievance petitions are hereby declared as dismissed.

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(Asim Hafeez)
Judge

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M. Nadeem

BEFORE THE HONOURABLE LAHORE HIGH COURT, LAHORE

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W. P. No. 38943 /2025.

1. **MR. RAJ KUMAR** S/o Gian Chand (Audit Assistant)
Office of Internal Audit, National Transmission And
Dispatch Company Limited (NTDCL), 636-WAPDA
House, Lahore.
2. Muhammad Umair S/o Feroz Din (Audit Assistant)
Office of Internal Audit, National Transmission And
Dispatch Company Limited (NTDCL), 636-WAPDA
House, Lahore.
3. Muhammad Idrees S/o Muhammad Sadiq (Audit
Assistant) Office of Internal Audit, National
Transmission And Dispatch Company Limited
(NTDCL), 636-WAPDA House, Lahore.
4. Adil Tofiq S/o Tofiq Ahmed (Audit Assistant) Office of
Internal Audit, National Transmission And Dispatch
Company Limited (NTDCL), 636-WAPDA House,
Lahore.

...PETITIONER.

VERSUS

1. The Learned National Industrial Relation Commission,
Lahore.
2. The Learned National Industrial Relation Commission,
Full Bench at Islamabad.
3. National Transmission & Despatch Co. Ltd. Room No.
636 Wapda House, Lahore through its Chief Internal
Auditor.

- 2 -
4. General Manager (HR & Admin) National Transmission & Despatch Company limited, 2nd Floor Shaheen Complex, Lahore.
 5. Managing Director, National Transmission & Despatch Company Limited. Wapda House Lahore
 6. RAFAQAT KARAMAT son of Karamat Ali, Audit Assistant, Office of Internal Audit, National Transmission and Dispatch Company Limited (NTDCL), 636-WAPDA House, Lahore.

... RESPONDENTS

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN, 1973

RESPECTFULLY SHEWETH:-

1. That the names and addresses of the parties have correctly been given in the head note of the W.P. for the purpose of effecting proper services and citation etc.
2. That briefly stated, the Petitioners are serving as Audit Assistants in the National Transmission and Dispatch Company (NTDC), and are seriously aggrieved by the impugned order dated 27.05.2024 (Annexure-B) as well as the final order dated 23.04.2025 (Annexure-C), both passed by the learned National Industrial Relations Commission (NIRC). By way of the said orders, the petition filed by Respondent No.06 was accepted, and directions were issued to the NTDC to revise the seniority list of Audit Assistants

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on the basis of date of joining, instead of the merit assigned at the time of initial appointment. These directions are manifestly contrary to the NTDC Audit Service Rules, 2006, particularly Rule 10(A)(1), which explicitly stipulates that **“Seniority shall be maintained in accordance with the merit assigned by the Appointing Authority at the time of making selection.”**

The impugned orders, therefore, violate the statutory service rules framed under the governing law and are liable to be set aside on this ground alone.

3. That it is further submitted with great respect and concern that the above-mentioned orders dated 27.05.2024 and 23.04.2025 were passed ex parte, without affording the Petitioners any opportunity to be heard. The Petitioners have thus been condemned unheard, in violation of the cardinal principle of natural justice, namely audi alteram partem (no one should be condemned without being heard), which is a fundamental requirement under Article 10A of the Constitution of the Islamic Republic of Pakistan, 1973.

Therefore, the orders in question are not only void ab initio but are also legally unsustainable due to the absence of due process.

4. That in view of the above circumstances, the impugned orders dated 27.05.2024 and 23.04.2025 are liable to be declared illegal, without lawful authority, and of no legal

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effect on account of the following, amongst other, legal and factual grounds:

GROUNDS

- i. That the impugned orders dated 27.05.2024 and 23.04.2025 passed by the learned National Industrial Relations Commission (NIRC) are against the express provisions of the NTDC Audit Service Rules, 2006, particularly Rule 10(A)(1), which clearly provides that **“Seniority shall be maintained in accordance with the merit assigned by the Appointing Authority at the time of making selection.”** The learned NIRC, by directing the revision of seniority on the basis of date of joining, has overridden a statutory rule, which is impermissible in law.
- ii. That the learned NIRC failed to appreciate that seniority determined by merit at the time of appointment is a settled principle of service law, reaffirmed through various precedents by superior courts. The deviation from this principle, without lawful justification or rule amendment, renders the impugned orders illegal, arbitrary, and contrary to established service jurisprudence.
- iii. That the impugned orders were passed ex parte, without providing an opportunity of hearing to the petitioners. This constitutes a gross violation of the principle of natural justice, particularly Article 10A of the

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Constitution, which guarantees the right to fair trial and due process. Any order passed without hearing necessary parties is void, non-est, and liable to be set aside.

- iv. That the learned NIRC, being a quasi-judicial forum, was legally obliged to ensure compliance with procedural fairness and provide opportunity of hearing to all affected parties before adjudicating upon the matter. The failure to do so has rendered the orders ultra vires, arbitrary, and void ab initio.
- v. That the impugned orders are also discriminatory as they disturb the seniority position of the Petitioners, who were appointed on merit through due process and in accordance with the selection made by the appointing authority. The change in criteria from "merit" to "date of joining" without lawful authority violates the principle of equal treatment and vested rights.
- vi. That the learned NIRC acted without lawful jurisdiction in modifying or interpreting the statutory service rules in a manner inconsistent with their plain language and intent. Such judicial overreach by a quasi-judicial forum is beyond its lawful competence and violates the principle of separation of powers.
- vii. That the judgments relied upon by the learned NIRC, including 2022 SCMR 448, are wholly inapplicable to the facts and legal context of the present case. The said

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judgments pertain to civil servants governed under the Civil Servants Act and Rules, whereas the Petitioners are employees of an autonomous body, i.e., National Transmission and Dispatch Company (NTDC), which is governed by its own service rules, namely the NTDC Audit Service Rules, 2006. The Petitioners' terms and conditions of service are regulated independently, and therefore, reliance on judgments relating to civil servants is misplaced, legally irrelevant, and inapposite. Moreover, the cited judgments, including **2022 SCMR 448**, deal with the issue of seniority in the context of promotions, whereas in the instant case, the Petitioners were appointed directly on the basis of open merit, and their seniority is to be determined under Rule 10(A)(1) of the NTDC Audit Service Rules, 2006, which explicitly prescribes that seniority shall be maintained in accordance with the merit assigned by the Appointing Authority at the time of making selection. The Petitioners' case does not involve promotion but rather inter se seniority among direct appointees, hence, the reasoning of the learned NIRC is not only misconceived but also legally unsustainable.

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- viii. That the impugned orders are liable to be struck down for being non-speaking, unreasoned, and devoid of lawful justification. The Hon'ble Superior Courts have consistently held that any administrative or quasi-

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judicial order which has civil consequences must disclose the reasons upon which it is based. In the absence of such reasoning, the impugned order lacks transparency, accountability, and legal validity, and is thus in violation of the settled jurisprudence of the Hon'ble Supreme Court.

- ix. That the impugned orders passed by the learned NIRC seriously prejudice the valuable rights of the Petitioners, particularly their right to seniority, which is a recognized and protected component of service jurisprudence. The right to be placed correctly in the seniority list has direct implications on the Petitioners' future career progression, including promotion, posting, and other service benefits. Therefore, any adjudication affecting such rights could not have been legally undertaken without first affording the Petitioners a proper opportunity of hearing.

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That the Petitioner, with the permission of this Honorable Court, may reserve a right to present more arguments and grounds during the proceedings of the instant writ petition.

- xi. That the petitioner has left with no other efficacious and alternate remedy to get redressed the grievance, except filling of this writ petition before this Honorable Court.
5. An affidavit is enclosed.

PRAYER:-

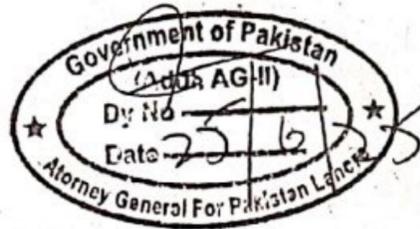
In light of the aforementioned facts and circumstances, the petitioners humbly seek the following reliefs from this Honorable Court:

- i. Issue a Writ of Certiorari under Article 199(1)(b)(i) of the Constitution of the Islamic Republic of Pakistan, 1973, to declare the impugned orders dated 27.05.2024 and 23.04.2025 (**Annexure-B & C**) passed by the learned National Industrial Relations Commission (NIRC) as illegal, without lawful authority, void ab initio and of no legal effect, being passed in violation of the NTDC Audit Service Rules, 2006 and in disregard of due process;
- ii. Declare that the Petitioners were condemned unheard and that the impugned orders are in violation of Article 10A of the Constitution, and therefore cannot be sustained in the eye of law;
- iii. Restrain the Respondents from implementing or giving effect to the impugned orders till final adjudication of this writ petition;
- iv. Grant any other relief, remedy, or order that this Honorable Court deems fit and just in the circumstances of the case. Award the costs of and occasioned by this petition to the petitioner.

HUMBLE PETITIONERS. *Rey Kallat*

Dated: 25-06-2025

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THROUGH:-

A
ALLAH NAWAZ KHOSA,
Advocate High Court,
CNIC No: 32102-7363491-1
Cell No: 0333-6073636
33/A Queens Road, Lahore.

CERTIFICATE:-

Certified that as per instructions given the petitioner, this is first writ petition on behalf of the petitioner on subject matter.

...**ADVOCATE.** *A*