JUDGMENT SHEET.

ISLAMABAD HIGH COURT, ISLAMABAD.

JUDICIAL DEPARTMENT.

I.C.A No.353 of 2019

Independent Newspapers Corporation (Pvt.) Ltd.

Versus

The Chairman, Implementation Tribunal for Newspaper Employees, Islamabad and another.

I.C.A No.423 of 2019

Independent Newspapers Corporation (Pvt.) Ltd.

Versus

The Chairman, Implementation Tribunal for Newspaper Employees, Islamabad and another.

I.C.A No.424 of 2019

News Publication (Pvt.) Ltd.

Versus

The Chairman, Implementation Tribunal for Newspaper Employees, Islamabad and another.

I.C.A No.425 of 2019

News Publication (Pvt.) Ltd.

Versus

The Chairman, Implementation Tribunal for Newspaper Employees, Islamabad and another.

I.C.A No.426 of 2019

News Publication (Pvt.) Ltd.

Versus

The Chairman, Implementation Tribunal for Newspaper Employees, Islamabad and another.

I.C.A No.427 of 2019

News Publication (Pvt.) Ltd.

Versus

The Chairman, Implementation Tribunal for Newspaper Employees, Islamabad and another.

I.C.A No.428 of 2019

J&S Enterprises (Pvt.) Ltd.

Versus

The Chairman, Implementation Tribunal for Newspaper Employees, Islamabad and another.

Petitioner by:	**Mr. Behzad Haider and Mr. Faisal Iqbal Khan, Advocates in all connected ICAs.**
Respondent No. 2 by:	**Syed Ishteyaque Mustafa Bukhary, Advocate in all connected ICAs.**
Date of Decision:	**23.02.2021.**

Tariq Mehmood Jahangiri, J:, Through this single judgment, we propose to decide seven captioned Intra Court Appeals i.e. (I.C.A. Nos. 353/2019, 423/2019, 424/2019, 425/2019, 426/2019, 427/2019, 428/2019), as they entail common question of law and facts.

02. The instant Intra Court Appeals are directed against orders dated 04.09.2019 and 29.10.2019, passed by the learned Judge-in-Chambers, whereby the writ petitions No. 3004 of 2019, 3753 of 2019, 3750 of 2019, 3751 of 2019, 3761 of 2019, 3752 of 2019 and 3749 of 2019, filed by the appellants were dismissed in limine.

03. Learned counsel for the appellants *inter-alia* contends that respondent No. 1 has no jurisdiction to entertain the petitions filed by respondents No. 2, as the respondents No. 2 (in the respective ICAs) are not employees of the appellants. He has further contended that respondent No. 1 is a Tribunal created under the "Newspaper Employees" (Condition and Services) Act, 1973 and has limited jurisdiction as conferred upon it by the statutes. It has further been contended that the petitions under Order VII Rule 10 read with section 151 of CPC, 1908 and section 13(1)(c) of the Newspapers Employees (Conditions of Services) Act, 1973 were separately filed before the respondent No. 1, with the prayer that

respondent No. 1 has no jurisdiction to entertain the petitions filed by respondents No. 2 (in the respective ICAs), as they were not employees of the appellants.

04. Learned counsel for appellants has further contended that respondent No. 1 / The Chairman, Implementation Tribunal for Newspaper Employees, Islamabad is legally bound to determine the question of its jurisdiction, whenever some doubts exists or expressed about it. Lastly, he has relied upon the cases titled as ***"Town Committee, Gakhar Mandi V. Authority Under The Payment Of Wages ACT and others (PLD 2002 Supreme Court 452)" and "All Pakistan Newspapers Society (APNS) and others V. Federation of Pakistan through Secretary Information and Media Development and others (2012 CLC 128)".***

05. Learned counsel for respondent No. 2 has contended that respondent No. 1 has framed the issues, wherein the issue regarding maintainability of petitions filed by respondent No. 2 has also been framed.

06. Arguments heard record perused.

07. As it is well settled law laid down by Hon'ble Supreme Court of Pakistan in ***"Town Committee, Gakhar Mandi V. Authority Under The Payment Of Wages ACT and others (PLD 2002 Supreme Court 452)",*** wherein it is held that **"Jurisdiction of any forum, Court or Tribunal holding any proceedings is always the core question. It is therefore obligatory for officers presiding over such fora to determine the question of their jurisdiction whenever some doubt exists or is expressed about it, irrespective of the stage of the proceedings at which such an objection is raised. The respondent authority was, thus, in grave error in having ignored and having failed to resolve the issue of its jurisdiction when it was sought to be urged".**

08. Order XIV Rule 2 CPC also provides that where the issues of law going to the root cause of the case are raised, those have to be decided in the first instance.

09. Both the counsel for the parties have admitted that respondent No. 1 has framed an issue regarding maintainability of the petitions filed by the respondents No. 2 and has also fixed the case for recording of evidence.

10. In view of the above, respondent No. 1 is directed to decide the issue regarding maintainability of the petitions filed by respondents No. 2 (in the respective ICAs), in the first instance and if it is found that respondent No. 1 has jurisdiction to entertain the petitions, further proceedings in the matter should be carried out in accordance with relevant provisions of law.

11. In light of the above directions and instructions, the instant Intra Court Appeals are *disposed off.*

(AAMER FAROOQ)
JUDGE

(TARIQ MEHMOOD JAHANGIRI)
JUDGE

Bilal