JUDGMENT SHEET
ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

Writ Petition No.1847 of 2025

Independent Newspaper Corporation (Pvt) Limited

Versus

Abdul Jabbar Faisal and Others

Petitioner by:	Mr. Rashid Hanif, Advocate. (in all petitions)
Respondent No. 1 by:	In person (in each petition)
Respondent No.3 by:	Nemo.
Date of Hearing:	**20.06.2025**

INAAM AMEEN MINHAS, J:- This judgment shall decide the instant writ petition as well as the writ petitions mentioned in the **Annexure-A,** involving common questions of law and facts.

2. In all the petitions, the petitioner (Independent Newspaper Corporation Pvt. Ltd.) has invoked the constitutional jurisdiction of this Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 **("The Constitution")**, whereby the petitioner impugns the consolidated Judgment dated 05.11.2024 **("Impugned Judgment")**, passed by respondent No.2 i.e. Chairman, Implementation Tribunal for Newspaper Employees, Islamabad **("ITNE")** on the applications filed by respondent No.1 (in all the petitions) **("Private Respondents")** under Rule 15(1) of the Implementation Tribunal for Newspaper Employees (Procedure and Functions) Rules, 1977 **("ITNE Rules, 1977")**. Through the said applications the Private Respondents sought direction to the petitioner to file declaration, include their names in the relevant list and pay dues under the 7th and 8th Wage Awards. In compliance with the ITNE's order, the

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petitioner and respondent No.3 i.e. V.A.S.C.H.R. (Pvt) Limited (in all the petitions) filed written statements, raising numerous objections including the objections as to the jurisdiction and limitation. The ITNE without framing of issues and recording evidence decided the matter vide the Impugned Judgment. The relevant portion of which is as follows:-

> *"Resultantly, all the petitions mentioned at Sr. No.01 to 41 (including case of petitioner) are partially dismissed to the extent of recovery of benefits under 7th Wage Board Award as hopelessly time barred. However, for grant of benefits under 8th Wage Board Award, which has been made operative w.e.f. 01/02/2019 in the respondent establishment, petition is partially accepted and respondents are directed to fix wages and allowances of the petitioners under 8th Wage Board Award effective from 01/02/2019 and pay the same accordingly within 30 days of receipt of this judgment and shall submit a compliance report through Registrar, ITNE."*

3. Besides filing applications before ITNE, the Private Respondents also filed petitions under Section 33 of the Industrial Relations Act, 2012 read with Section 12(3) of the Standing Orders Ordinance, 1968 before the learned National Industrial Relations Council **("NIRC")**, against the petitioner as well as respondent No. 3/V.A.S.C.H.R, with the prayer to be declared permanent employees.

4. The learned counsel for the petitioner contended that the Impugned Judgment was rendered without application of judicial mind and in contravention of settled legal principles, thereby constraining the petitioner to invoke the supervisory and constitutional jurisdiction of this Court for appropriate relief. He further contended that the instant writ petition is maintainable as the bar under Article 199(3) of the Constitution is not applicable, where executive actions are alleged to be without jurisdiction and this Court is fully competent to examine the legality of such actions. He also submitted that the instant matter raises significant questions of law warranting authoritative determination by this Court; that while passing the Impugned Judgment, ITNE did not follow the procedural requirements of CPC, which are applicable under Rule 17 of the ITNE Rules, 1977 and that

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the Impugned Judgment is without jurisdiction, patently illegal and in disregard of the law on the issue.

5. Conversely, the Private Respondents appeared in person and raised a preliminary objection regarding the maintainability of the instant petition, asserting that questions of law raised in the instant petition have been decided in Writ Petitions No. 1640 to 1667 of 2025 by this Court vide order dated 06.05.2025 and fully supported the Impugned Judgment and also informed that the matters pending before the NIRC have been decided in their favour.

6. I have heard the learned counsel for the petitioner and the Private Respondents and perused the record.

7. The present matter concerns the enforcement of the 7th and 8th Wage Board Awards under the Newspaper Employees (Conditions of Service) Act, 1973 **("NECOSA, 1973")**, for which a special tribunal i.e ITNE has been constituted. The Private respondents, who are admittedly contractual employees of the petitioner, applied to the ITNE seeking implementation of both awards. Upon consideration, the ITNE dismissed the claim relating to the 7th Wage Board Award on the ground of limitation but initiated proceedings for the implementation of the 8th Wage Board Award. Since it is undisputed that the petitioner employed the Private Respondents on contractual basis, their employment relationship with the petitioner is clearly established and does not require further consideration, therefore, the argument of the learned counsel for the petitioner that a full trial under CPC is needed to determine employment status of the private respondents is legally flawed and unnecessary. The contention of the learned counsel for the petitioner that a related matter is sub judice before the NIRC has no bearing on the present implementation proceedings, as the issue before the NIRC relates to the question of regularization of services, not the basic existence of the employment relationship. Moreover, the NIRC has already regularized the services of the Private Respondents, which further strengthens the claim of the Private Respondents of entitlement under the 8th

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Wage Board Award. Writ Petitions No.1640 to 1667 of 2025 on the same subject have already been decided vide judgment dated 06.05.2025 by another Bench of this Court, which holds significant importance. It is appropriate to reproduce the relevant proportion of the said judgment:-

> *"Through this single judgment, I intend to dispose of 28 Writ Petitions i.e., Writ Petition No. 1640 to 1667 of 2025, as the same have been filed by Independent Newspaper Corporation (Pvt) Limited ("Petitioner") against the same order dated 29.10.2024 ("Impugned Judgment") passed by the Implementation Tribunal for Newspaper Employees ("ITNE"), whereby the petitions filed by the private respondents were decided as follows:-*
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> > *Resultantly, all the petitions mentioned at Sr. No.01 to 28 (including case of petitioner) are partially dismissed to the extent of recovery of benefits under 7th Wage Board Award as hopelessly time barred. However, for grant of benefits under 8th Wage Board Award, which has been made operative w.e.f. 01/02/2019 in the respondent establishment, petition is partially accepted and respondents are directed to fix wages and allowances of the petitioners under 8th Wage Board Award effective from 01/02/2019 and pay the same accordingly within 30 days of receipt of this judgment and shall submit a compliance report through Registrar, ITNE."*

8. The status of the employees of the Newspaper establishment has been defined and interpreted by the Hon'ble Supreme Court in ***Daily Khabrain and others vs. Iqbal Mustafa, [2019 PLC (CS) 541]***, ***Fauji Fertilizer Co. vs. NIRC, (2013 SCMR 1253)*** and ***Pakistan State Oil Co. vs. Bakht Siddiqui***, ***(2018 SCMR 1181)***. These judgments clarify the actual nature of the working relationship of an employer, an employee and a contractor, and determine whether a person qualifies as an employee under the law rather than the formalities of contract. This approach protects workers from being deprived of their lawful rights through artificial or evasive employment arrangements. These judgments also reinforce the spirit and objective of NECOSA, 1973, by affirming the authority of the ITNE to enforce wage

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awards for all employees functionally connected to a newspaper establishment, regardless of their technical hiring status.

9. In view of the above discussion, the instant writ petition as well as the writ petitions mentioned in **Annexure-A** are ***dismissed***.

(INAAM AMEEN MINHAS)
JUDGE

Announced in open Court on 26.06.2025

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Annexure- A

Sr. No	Writ Petition Number	Title
1.	Writ Petition No.1849/2025	Independent Newspaper Corporation (Pvt.) Limited Vs. Talib Hussain and others
2.	Writ Petition No.1850/2025	Independent Newspaper Corporation (Pvt.) Limited Vs. Tanveer Hussain and others
3.	Writ Petition No.1851/2025	Independent Newspaper Corporation (Pvt.) Limited Vs. Raja Muhammad Imran and others
4.	Writ Petition No.1852/2025	Independent Newspaper Corporation (Pvt.) Limited Vs. Ghulam Shabbir and others
5.	Writ Petition No.1853/2025	Independent Newspaper Corporation (Pvt.) Limited Vs. Waqar Khurshid and others
6.	Writ Petition No.1854/2025	Independent Newspaper Corporation (Pvt.) Limited Vs. Shahid Mehmood and others
7.	Writ Petition No.1855/2025	Independent Newspaper Corporation (Pvt.) Limited Vs. Raja Muhammad Nazim and others
8.	Writ Petition No.1856/2025	Independent Newspaper Corporation (Pvt.) Limited Vs. Sultan Shah Nawaz and others
9.	Writ Petition No.1873/2025	Independent Newspaper Corporation (Pvt.) Limited Vs. Muhammad Waseem Ashraf and others
10.	Writ Petition No.1874/2025	Independent Newspaper Corporation (Pvt.) Limited Vs. Nouman Meer and others
11.	Writ Petition No.1876/2025	Independent Newspaper Corporation (Pvt.) Limited Vs. Muhammad Khaqan Abbasi and others
12.	Writ Petition No.1875/2025	Independent Newspaper Corporation (Pvt.) Limited Vs. Umar Daraz and others
13.	Writ Petition No.1877/2025	Independent Newspaper Corporation (Pvt) Limited Vs. Muhammad Ijaz and others
14.	Writ Petition No.1878/2025	Independent Newspaper Corporation (Pvt.) Limited Vs. Muhammad Waqar and others
15.	Writ Petition No.1879/2025	Independent Newspaper Corporation (Pvt.) Limited Vs. Rehan Khan and others
16.	Writ Petition No.1880/2025	Independent Newspaper Corporation (Pvt.) Limited Vs. Agha Sajjad Amir and others
17.	Writ Petition No.1881/2025	Independent Newspaper Corporation (Pvt.) Limited Vs. Faisal Zaman and others
18.	Writ Petition No.1882/2025	Independent Newspaper Corporation (Pvt.) Limited Vs. Muhammad Yasin and others
19.	Writ Petition No.2053/2025	Independent Newspaper Corporation (Pvt.) Limited Vs. Ghulam Abbas and others
20.	Writ Petition No.2054/2025	Independent Newspaper Corporation (Pvt.) Limited Vs. Saqlain Ashraf and others
21.	Writ Petition No.2055/2025	Independent Newspaper Corporation (Pvt.) Limited Vs. Arif ul Kabeer Saddiqui and others
22.	Writ Petition No.2056/2025	Independent Newspaper Corporation (Pvt.) Limited Vs. Muhammad Faisal Abbasi and others
23.	Writ Petition No.2057/2025	Independent Newspaper Corporation (Pvt.) Limited Vs. Qamar Shahzad and others

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24.	Writ Petition No.2058/2025	Independent Newspaper Corporation (Pvt.) Limited Vs. Muhammad Siddique and others
25.	Writ Petition No.2059/2025	Independent Newspaper Corporation (Pvt.) Limited Vs. Abdul Kaleem and others
26.	Writ Petition No.2060/2025	Independent Newspaper Corporation (Pvt.) Limited Vs. Asifa Aslam and others
27.	Writ Petition No.2061/2025	Independent Newspaper Corporation (Pvt.) Limited Vs. Sohail Ahmed Siddiqui and others
28.	Writ Petition No.2062/2025	Independent Newspaper Corporation (Pvt.) Limited Vs. Muhammad Asif and others
29.	Writ Petition No.2063/2025	Independent Newspaper Corporation (Pvt.) Limited Vs. Kamran Ullah and others
30.	Writ Petition No.2064/2025	Independent Newspaper Corporation (Pvt.) Limited Vs. Khawaja Altaf Hussain and others
31.	Writ Petition No.2065/2025	Independent Newspaper Corporation (Pvt.) Limited Vs. Sharafat Khan and others
32.	Writ Petition No.2066/2025	Independent Newspaper Corporation (Pvt.) Limited Vs. Fazal Majeed Ashraf and others
33.	Writ Petition No.2067/2025	Independent Newspaper Corporation (Pvt.) Limited Vs. Sheikh Muhammad Usman and others
34.	Writ Petition No.2068/2025	Independent Newspaper Corporation (Pvt.) Limited Vs. Murad Khan and others
35.	Writ Petition No.2069/2025	Independent Newspaper Corporation (Pvt.) Limited Vs. Amir Hussain and others
36.	Writ Petition No.2070/2025	Independent Newspaper Corporation (Pvt.) Limited Vs. Zeeshan Bin Arif and others
37.	Writ Petition No.2071/2025	Independent Newspaper Corporation (Pvt.) Limited Vs. Abdul Rehman and others
38.	Writ Petition No.2072/2025	Independent Newspaper Corporation (Pvt.) Limited Vs. Muhammad Majeed and others
39.	Writ Petition No.2073/2025	Independent Newspaper Corporation (Pvt.) Limited Vs. Saghir Ahmed and others
40.	Writ Petition No.2074/2025	Independent Newspaper Corporation (Pvt.) Limited Vs. Jahangir Hassan Abbasi and others

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