

CORPORATION EMPLOYEES IN THE CRISIS OF IDENTITY: A CASE STUDY OF PAKISTAN

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ABSTRACT

Through this paper it is tried to analyze the legislation and a case law regarding the legal status of Corporation employees in Pakistan. After independence there was no special forum for the Government and Corporation employees, where they could get their grievances redressed. They were supposed to approach the ordinary Civil Courts. The Constitution of 1973, under Art 212, resolved the problem of Government employees but remained silent about the other group. Since then till 1997, the issue of Corporation Employees remained a subject of discussion in the superior courts. In 1997, by the insertion of Section 2-A in the Service Tribunal Act, 1973, the problem was settled to some extent but a recent judgment of the Supreme Court made the issue little bit confusing once again.

INTRODUCTION

After independence, in 1947, the newly created State inherited a colonial style of administration from its Masters. As a matter of fact the colonial style was neither capable of handling the emergent problems of independence nor was fashioned to meet the growing demands of National development. Thus administrative reforms were seen to be the only answer to overcome the innumerable problems and consolidate the hard won independence. The administrative structure of a newly created state was also, desired to be adequate enough to meet the demands of social justice.

The very growth in size of population, advances in technology, political awareness and a heap of problems led to increase the activities of government. That's why the twentieth century witnessed more variations in functions of governmental agencies, which ultimately resulted in the expansion of its structure.

Keeping in view the global scenario and overall internal situation of the country with special reference to the unsatisfactory performance of its administrative organ, the need for comprehensive administrative reform remained at the top of the national agenda. As protection of individual citizen against the excesses of public power was accepted as an important goal, the government introduced some administrative reforms.

Mr. Zulfikar Ali Bhutto took the major initiative towards the reformation of public administration. Towards this end a high-powered committee was constituted in April 1972, to chalk out a programme of Administrative Reforms in the light of new requirements.

Prior to the promulgation of 1973 Constitution, there was no special forum for government servants and the employees of various Corporations where their grievances could have been redressed. All the disputes pertinent to the terms and conditions of the aforementioned employees were to be entertained by the civil courts of the country. In line with the recommendations of the committee, the framers of the 1973 Constitution introduced a provision that provided for the establishment of Administrative Tribunals in the country, Article 212 of the Constitution deals with the establishment of Service Tribunals, to redress the grievances of civil servants only. The corporation employees were left in the statuesque. Being a huge population that was involved in the developmental affairs of the country, they felt that their grievances should, also, have been decided by a special forum. They strived for the said purpose and ultimately their plea was accepted by the Supreme Court of Pakistan and upon the instance of Apex Court an amended Act was promulgated on 10th of June 1997.